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...safety of fighting battles, carrying on war, maintaining
...of war, &c., by process of law.
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EXPIATING THE GREAT CRIME

Hanging of **Mrs. Surratt**, Payne
Harold and Atzerott.

Full and Complete Detail
of the Affair.

Efforts to Defer the Execution
Mrs. Surratt.

A Writ of Habeas Corpus Issued for
but it is Disregarded by Presi-
dent Johnson's Orders.

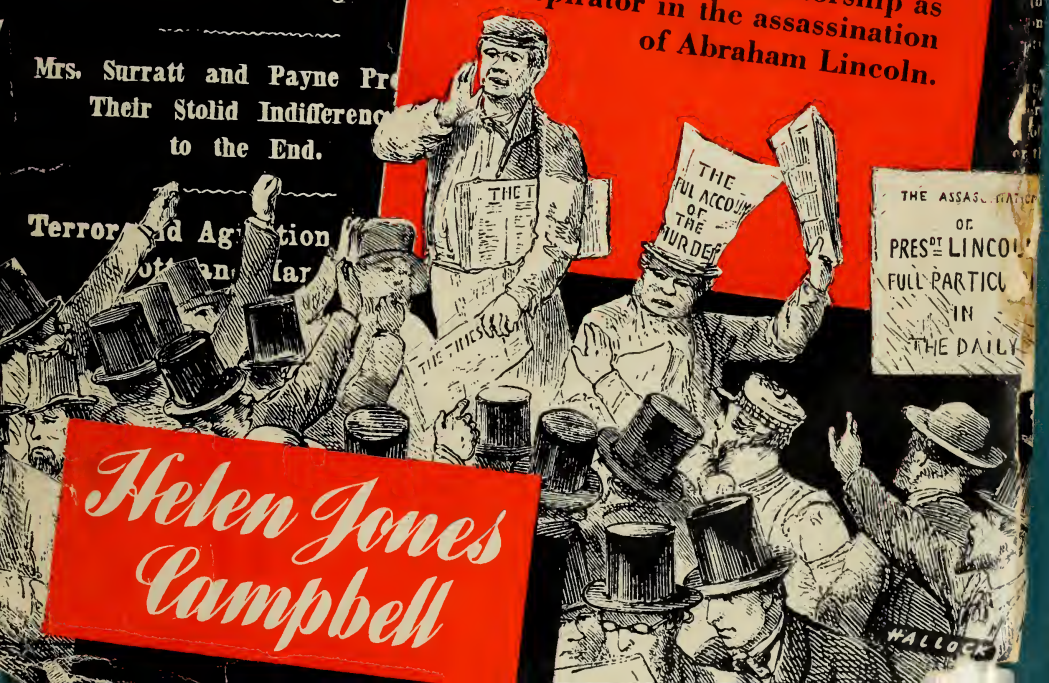
How the Prisoners Pa
Their Last Night.

Mrs. Surratt and Payne Pro
Their Stolid Indifference
to the End.

Terror and Agitation
of an

The Case for Mrs. Surratt

Here is new light on the story of
a bewildered woman sent to the
gallows . . . condemned by an
American military dictatorship as
a conspirator in the assassination
of Abraham Lincoln.



Helen Jones
Campbell

THE CASE FOR MRS. SURRATT

*Seven men and a woman were tried
for the murder of Abraham Lincoln.
Three men and the woman were hanged.*

THIS IS THE story of the woman — Mary Eugenia Surratt of Surrattsville, Maryland, an obscure boarding house-keeper who became the central figure in the most dramatic trial in the history of the nation — a trial that rocked the world and wrecked an administration.

The world will never know whether or not she was completely innocent. Testimony brought out at the trial would never have convicted her in a civil court, and this same testimony would tend to prove that she was railroaded by a military commission under Secretary of War Stanton. There can be little doubt that her trial represents the low point in American jurisprudence. American democracy was on trial with her and both lost—democracy temporarily.

The case of Mrs. Surratt has been of interest to all students of history for

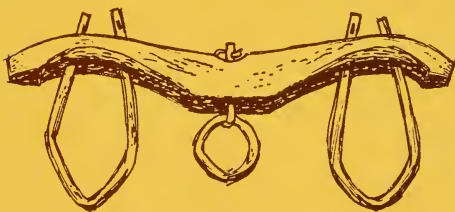
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The Case for Mrs. Surratt

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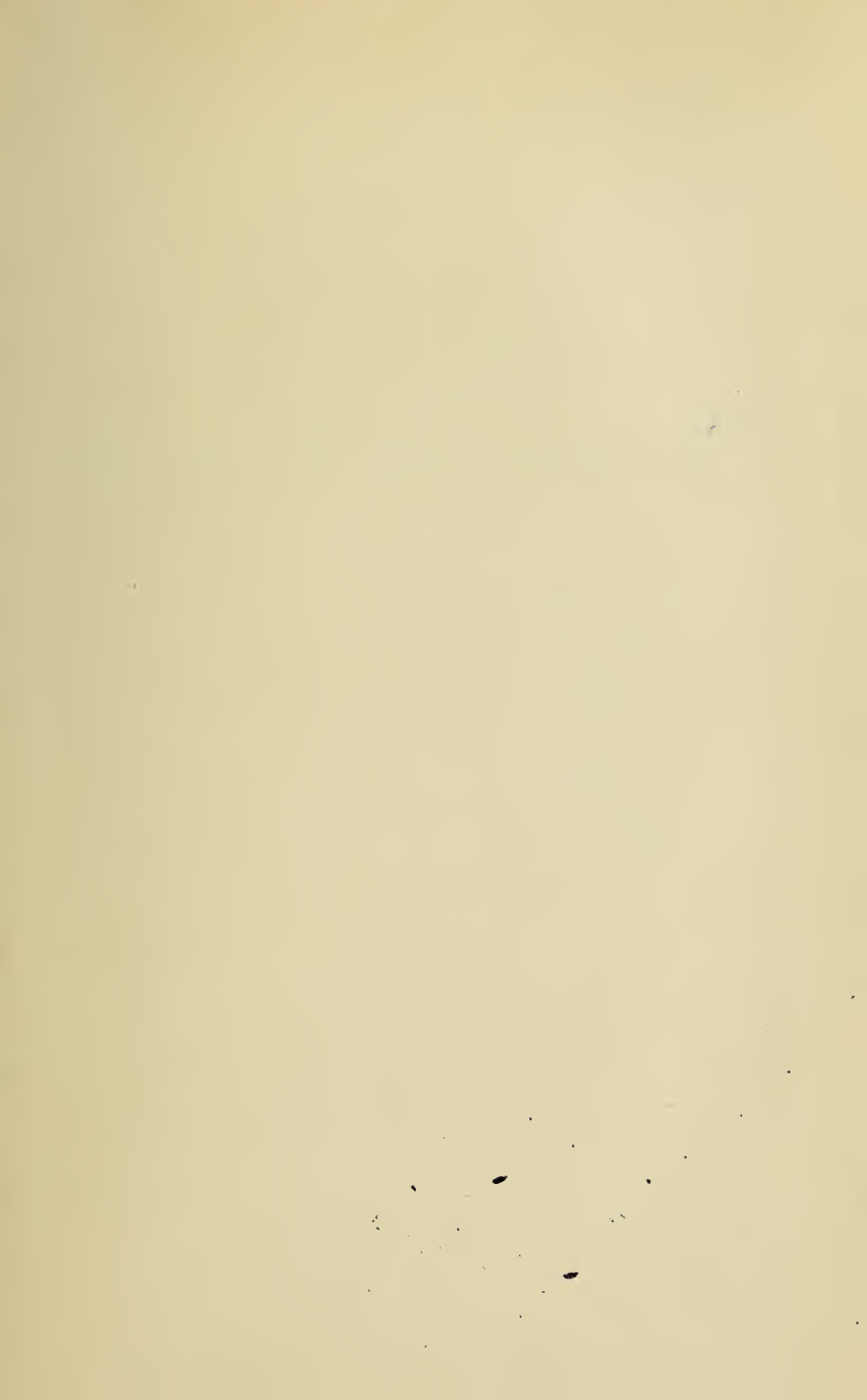
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THE CASE FOR MRS. SURRATT



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Mrs. Mary E. Surratt

THE CASE FOR MRS. SURRATT

By HELEN JONES CAMPBELL

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LINCOLN
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TO 51 H SEARCY

The author is very grateful to the following people who have given information and material regarding Mary Eugenia Surratt and her trial: Colonel J. E. Raymond, Ft. Benning, Ga.; the late Lieutenant-Colonel C. Seymour Bullock, C.E.F.; The Right Reverend Monsignor E. P. McAdams, Washington, D. C.; Allan D. Jones, Newport News, Va.; Mrs. Waddy P. Wood, Warrenton, Va.; Dr. E. G. Swem, College of William and Mary; Professor G. G. Clark, College of William and Mary; Mrs. Edward A. Semple, Hampton, Va.; David Rankin Barbee, Washington, D. C.; and the present-day members of the Jenkins and Surratt families. She also wishes to thank Milton Pratt for his assistance in preparing the manuscript for publication.

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THE CASE FOR MRS. SURRETT

I. *The Arrest*

MR. LINCOLN WAS SHOT at a quarter past ten on Good Friday, April 14, 1865. Five hours later, in the dead of night, a squad of metropolitan police visited the Surratt boardinghouse on H Street and pounded wildly on the outer door, clamoring for admittance.

Mary Eugenia, asleep in the downstairs bedroom when they arrived, started up in bed as the noise of their hammering fists reverberated through the old brick house. Her body still ached from the long carriage ride back from the plantation at Surrattsville, her eyes smarting from exposure to the uncertain weather, her mind confused by the excitement of the past day. Then, as the sleep slowly left her brain, and she localized the origin of the noise that had awakened her, she thought of Little Johnny. He's come back! was her first reaction, but she dismissed the idea as soon as it occurred to her. Johnny had a latchkey; he'd have let himself in noiselessly, as he did whenever he returned from one of his unexplained trips. He'd have tiptoed upstairs quietly, without disturbing the household.

The pounding continued, and still she hesitated to get out of bed to admit the visitors. From her open window she could hear brief snatches of song and the raucous laughter of the victory-mad Yankees who were celebrating Lee's surrender all through the night. Her thin lips tightened in contempt and anger. She was sure that some of the celebrants, in the enthusiasm of whisky and their victory, had heard her family were Southerners and were come to taunt them with their defeat. That it could be the police would never have occurred to her.

She lay in her bed, leaning on her elbow, waiting tensely for the

roisterers to tire of their game and depart. And then, when she decided the pounding would never cease without her intervention, she reached for the black and white shawl she had folded carefully and placed on the small table beside her bed before retiring. Slowly and resignedly, she clambered out of bed and groped her way across the room, barefooted, toward the closed door. With her hand on the knob, she paused uncertainly. She could hear the light flat thud of bare feet moving down the staircase that connected the three floors of the house. She opened her door an inch or two and peered out into the dark hallway. She could make out the shadowy form of Lou Weichman walking down the stairs, very tentatively, stuffing the tail of his nightshirt into his breeches as he passed her room. He was muttering imprecations under his breath.

Lou entered the vestibule, half-hidden from her sight by the portieres that separated the entryway from the rest of the house. A sharp click, and she knew he had thrown open the door to her nocturnal visitors. Then she saw him stagger backward as though he had been pushed violently, protesting indignantly until he recognized the uniforms of the men who crowded about him.

"Police?" It was an awe-stricken whisper, half question, half exclamation, yet loud enough to reach Mary Eugenia as she listened intently behind her half-closed door.

"Jawn S'rratt t' home?" She blanched and gripped the knob more firmly for support. What could these men want of Little Johnny? she wondered. What could they want that could not wait until daylight? Then her fear for her son was dissipated in her annoyance at Lou, who stared open-mouthed at his questioner, unable to answer. What was he waiting for? Why didn't he tell them that Johnny wasn't home and that they had awakened the whole household for nothing.

"N-no, no!" Lou said finally. "He's away."

"Where's he at?"

"I really don't know, sir, just where he is. He isn't here."

"His mother," the officer said. "She live here?"

"Oh, yes. Yes, sir."

"Where's she? Lemme see her." Upstairs, a door creaked. They've awakened the girls, Mary Eugenia thought, with their infernal

racket, breaking into a person's home at three in the morning. From the second-floor bedroom near the hallway, she could hear John Holohan bellowing invective at the swine who dared awaken him and his family.

Lou attempted to defend her sleep. "But Mrs. Surratt's in bed," he protested. "You can't see her now."

The detective brushed his words aside. "No diff'runce," he said curtly. "Show me where she's at!"

She heard the scuffling of heavy shoes in the vestibule, six or eight of them there must have been, and then the rattle of china in the hall cupboard, followed by a petulant curse. Someone struck a phosphorus match, and a moment later, in the flickering light of the gas jet, Mary Eugenia could see four burly men, two in plainclothes, two in uniform, pushing Lou ahead of them toward her room. Breathing heavily, she closed the bedroom door quickly and noiselessly and leaned against it for support. She drew back when she heard a gentle knock, waited until her breath should come more easily before answering. The knock was repeated, more insistent this time.

"What is it?" she asked softly. "What is it, Lou?"

The leader of the group—Clarvoe his name was—shouted through the door: "You Mrs. S'rratt?"

"Yes, sir."

"I want to see your son Jawn. Where is he?"

She opened the door a crack, clutching her shawl about her throat. "John isn't in the city, sir. He's away."

"Where is he? When'd you see him last? When was he here?"

"Why . . . why, it's been some time. Two weeks or more, I think. The day Richmond fell, whatever day that was. . . ." Her voice trailed off. "Why?" she asked suddenly. "What's the matter?"

"That was the third, Mrs. Surratt," Lou broke in helpfully. "Richmond fell on the third. That's the last time Johnny was home."

Clarvoe whirled on him. "Who're you?" he snapped. "You b'long here?"

"Yes. Yes, I do," Lou answered. "I live here. I share John Surratt's room."

"Then lemme see your room. McDevitt!" Clarvoe turned to the

man in uniform who had been standing quietly behind him. "You stay here with this lady while I go look around." One man he stationed in the vestibule, the other at the foot of the staircase. McDevitt took his place at the bedroom door, glancing sheepishly at Mary Eugenia, who still stood behind the partially opened barricade. He nodded when she asked him if she might close the door entirely while she put on some more clothes.

Clarvoe, meanwhile, pointed to the staircase with his thumb and indicated his desire to have Lou precede him. They were on the narrow landing halfway up when Lou summoned up enough courage to ask the question that was tormenting him. "Would you be kind enough, sir," he said, "to tell me what all this means?"

Clarvoe glared at him and his hand on the young man's shoulder twirled him around like a top. "That's a purty question t' ask," he bellowed. "Where you bin all this evenin'?"

"I've been . . . why, I've been right here, sir."

"All evenin'?"

"Why, no, sir. I did go down to the country with Mrs. Surratt."

Clarvoe reached into his outer coat pocket and pulled out a stained cravat. He shook it under Lou's nose and shouted: "You preten' you don't know the Pres'dunt's been murdered?"

Lou blinked in terror at the huge fist that menaced his nose. "What? What's this?"

"This?" Clarvoe bawled. "There's blood on this. Abr'am Lincoln's blood. Wilkes Booth shot 'im. John S'rratt killed Seward." Lou was gaping at him as though he had been stricken. "You ain't heard?" Clarvoe asked, more softly, the tone of belligerence leaving his voice.

"So help me God . . . so help me God, I hadn't. Help me God. . . ."

Lou was too paralyzed to continue the journey up the stairs. Pushing him aside, Clarvoe left him clutching the balustrade for support, covered the rest of the way to Lou Weichman's and John Surratt's common room in a few seconds. He hauled the cover off the bed, glanced cursorily into the deep closet in the room, got on his knees to make sure no one was hiding under the bed. A moment later, he was back at the rear downstairs bedroom, in front of which Mary Eugenia, somewhat more adequately clothed, stood waiting.

It was apparent she had heard nothing of the recent conversation on the stairs.

"Mrs. Surratt, I got a couple questions I got t' ask you and I want you should be mighty partic'lar how you answer them. They're important. When'd you see Wilkes Booth last?"

"Mr. Booth? Why, this afternoon. About two, I think. He asked me to take something out to Surrattsville for him." She answered without hesitation or fear. "Why Mr. Booth, sir?"

"When'd you see your son? Where is he?"

"I told you, sir. I haven't seen John for almost two weeks."

"Where is he?" Clarvoe persisted.

"The last I heard he was in Canada. I had a letter from him today. There are many mothers who don't know where their sons are to-day," she added. "Gentlemen"—she was looking fixedly at Clarvoe but included his companions in her question—"what's the meaning of this?"

McDevitt came running out of the room. He was carrying a mud-spattered shawl in his hand. "Whose shawl's this?" he asked rhetorically. "Where'd this mud come from?"

"It's mine. I wore it to the country today. The roads are muddy. Tell me, if you please, just what this means!"

"Why, just this, ma'am," McDevitt said. "Your friend Booth has jus' killed the Pres'dunt and your son's murdered Sec'tary Seward."

She staggered back and would have fallen if Clarvoe had not seized her outstretched arm. "Merciful God, merciful God," she gasped. "Don't tell me so. Don't tell me. Lou! Tell them Johnny would never do a thing like that!"

She stared wildly from one to the other, from the policemen to Lou and back to the officers. And then, slowly, the color returned to her cheeks and her face lighted up in a smile of sheer happiness. It was the men's turn to stare at her, in horror, afraid she had lost her mind.

"Not Johnny. It can't be Johnny," she said, and the words gushed from her mouth. She was angry with herself that she could have forgotten so completely, annoyed that these Yankees could have confused her so with their questions. "But not Johnny," she exulted. "He's in Canada. He hasn't been in Washington since Richmond

fell. Quick, Lou!" she ordered her young boarder. "Find Johnny's letter. Find the letter he sent us from Canada. . . ."

There was nothing more to be accomplished that night. A few questions more, a few more rooms to search, with Lou hovering about them as they worked, anxious to expedite their departure, and the police prepared to take their leave. Ordering Lou to appear for questioning at headquarters next morning, they clattered out the front door as noisily as they had entered.

At eight o'clock in the morning of April 15, the news that the President had breathed his last was released to the public. And with the news came a promise of dire revenge from the back room of the Peterson house, across the street from Ford's Theatre, where Secretary Stanton had closed the eyes that would never again see through his machinations. Stanton announced to the press and the world that the Confederate Government was responsible for the crime. It was the root of a conspiracy to assassinate all the members of the Federal Cabinet. The South alone was to blame for this murder.

Within an hour, the streets of the capital were stripped of their emblems of joy. Flags were lowered and great streamers of crepe swathed the public buildings in mourning. Black draped the windows and doorways of Washington, and all signs of celebration were obliterated with the speed of rumor. Only the restless crowds remained, the exultant mobs of the night before, surging through the streets in stunned silence, congregating in front of the Peterson house, where the body of their President still lay.

Through the crowds milling about in the cold, drizzling rain, Mary Eugenia Surratt, her daughter Anna, and Eliza Holohan walked on their way to mass. Her hysterical relief to be sure of Johnny's innocence had changed once more to fear as she sensed the relentless, impatient rage of the people around her, echoing and adding to the wild tales that blanketed the city. One thing she knew, Johnny was safe as long as he remained in Canada. One thing she suspected—there was more to this business of Johnny and Mr. Booth than she had been allowed to know. But whatever it was, it was not murder. Of that she was sure. Somewhere, somehow, a dreadful mistake had been made. Why, Secretary Seward had not even been

killed as the police officer had said. She doubted if Mr. Booth had even killed the President. The assassin must have been someone who managed to have Mr. Booth blamed for it. But since her boy *had* been a friend of the actor, it would be wiser if he remained away until the murderer was caught and the murder forgotten.

She could see the neighbors peeking through their curtains as the three women entered their yard on their return from church. Inwardly, she writhed under the humiliation of their eyes, but she walked between her daughter and Mrs. Holohan with all the dignity she could muster. Her small, firm mouth was set in stern lines. This matter could not be cleared up too soon.

Lou was not in his room. He and Holohan had not yet returned from their trip downtown that morning. Mary Eugenia wished they would come back. Lou probably knew more about Johnny's business with Mr. Booth than she did. She must know everything now, must learn the answers to the strange visits and strange conversations that had gone on in the house ever since Christmas. Lou must give her all the information he had. All day she waited, with the uncertainty gnawing at her, afraid to leave the house once more lest Lou arrive while she was gone.

Easter Sunday dawned clear, but the joyousness of the season was gone. She had had no word from or about Johnny. And when she learned that Lou was under arrest at headquarters, she was certain that Johnny had somehow become involved in some unlawful plan. She attended early mass at St. Patrick's and returned home shortly after nine o'clock. As she arose from the breakfast table, John Holohan and Lou walked in unannounced, accompanied by Officer McDevitt. Lou stopped at the dining-room doorway.

"Good morning, Mrs. Surratt. How—how are you feeling this morning?" He hesitated over the words, as though he doubted whether to speak or not.

"As well as I could be expected to feel under the circumstances, Lou." He was well and free, after all. She was annoyed that he had allowed her to worry about him for thirty-six hours. He should have realized she would be concerned, that she felt responsible for him as long as he was living in her house. It was good to know that Mr. Holohan was looking after him. Holohan was a clerk in the

War Department and knew the right people in the Government. Lou was still standing in the doorway. Receiving no encouragement to continue the half-hearted conversation, he ran quickly up the narrow stairway to his room with Holohan puffing after him.

Officer McDevitt remained in the hall, leaning against the door frame of the parlor. He paced the length of the vestibule for a few minutes, then turned toward her purposefully.

"Have you heard from your son yet, Mrs. Surratt?" he asked.

"Not yet, sir." Her reply was courteous but not encouraging.

"You know, of course, he was in the theater with—" He was interrupted by Lou, who came bustling down the stairs.

"I'm ready now," he said cheerfully.

As the three men hurried out of the house, not even saying good-by, Mary Eugenia stared after them in amazement, mystified at the metamorphosis that had come over Lou. He had been terrified tongue-tied when the police first came, yet now he seemed on terms of intimacy with one of the invaders themselves. It was not until her trial that she learned the precise nature of the metamorphosis.

Time dragged interminably that day. The news brought in from the street was insanely contradictory. There were as many stories as people, it seemed, and each had his own. . . . Detectives had been brought from New York to trail the assassins. . . . Fabulous rewards were offered, totaling hundreds of thousands of dollars. . . . The metropolitan police had been superseded by Army men. Every officer, every soldier had been sent out to find the killer. . . . Lee's surrender had been a hoax. A Rebel army was approaching the city that very moment. They would kill the Cabinet, General Grant, President Johnson, while the troopers were hunting the murderer. . . .

There was only one constant factor, one common denominator in the rumors that swept the city and filtered into the Surratt household. Stanton. Again and again he was mentioned, and nothing was too wild, too mad, to believe about *him*. A dangerous man, treacherous . . . a cruel, impulsive man who would do anything to advance himself. . . . He had put himself on record as saying that not enough Southern women had been hanged during the war. . . .

Now he was in absolute control of the Army and the Army was in control of the country. . . . Lafayette Baker, head of the Secret Service, had been called in. He was Stanton's man. Between them anything could happen. . . .

Jinny and Susan Ann, the housemaids, Danny the houseman, came and went as they pleased throughout the day, with Mary Eugenia in no mood to direct their activity. At intervals, one or the other burst into the parlor with a new tale of terror. Southern sympathizers were being strung on lamp posts for doubting aloud that Jefferson Davis had planned the murder. An old lady had been thrown into Old Capitol for hanging her son's gray uniform on the line to rid it of its vermin. A man had been knocked down by a soldier for smiling, on the corner of G and 6th Streets. It was treason, the soldier said, to smile at a time like this. . . .

There was no way to check on the truth of these tales, but they were disquieting. Regretfully, Mary Eugenia forbade her daughter to attend a little party which had been planned by some Catholic friends in honor of the season. Anna had been so looking forward to it; she had been primping all day and was already attired in her party dress when her mother canceled her plans. The girl was piqued. Everyone knew that the Surratt house had been searched, she protested, even if the papers hadn't mentioned it. They also knew that the search was a mistake. The police had not returned, had they? The embarrassment was over. Besides, it was *such* a small party, only a few young ladies and a light collation. She submitted at length, as she always did, to her mother's decision that even a small gathering might be considered disrespectful to the memory of the President.

At ten o'clock, she retired to the back room on the ground floor, to disengage herself as best she could from her stays, hoops, and lacings, leaving her mother to close the house for the night.

Mary Eugenia locked the basement door, slowly ascended the stairs to the first floor, and moved toward the front door. She was no more than two yards from the door when the doorbell pealed.

There's Johnny now, she thought and stood there, numb with apprehension, forgetting to let him in. Before she could recover, an ominous pounding reverberated through the house. Her breathing

stopped abruptly, her heart stood still. That was not Little Johnny's knock.

She laid a trembling hand on the doorknob. "Is that you, Lou?" She knew it wasn't, but hoped against hope it might be.

"No. Major Smith, United States Army. Open the door at once."

She turned the key. A tall officer in Federal uniform stepped resolutely into the hall. She drew back before his forceful entrance.

"Are you Mrs. Surratt?"

"I am the widow of John H. Surratt."

"Are you the mother of John H. Surratt, junior?"

"I am." She met his gaze directly.

"I have come to arrest you and all your household and take you to General Augur's headquarters in the War Department."

She laid her hand upon the newel post of the staircase to steady herself, her mind blank. Arrest all the household, he said. That meant Anna, too. Little Johnny, she thought; thank God he's not here. Unless they've already found him. Unless he's already at headquarters. Oh, Holy Mother, not that . . . not that.

In dazed silence she watched the soldiers behind Major Smith file into the hall. They moved toward the closed door of the back room. Someone lighted the gas and she heard the sound of a phosphorus match scraping on a boot. Major Smith knocked at the bedroom door. Anna's voice answered. He instructed her to come at once into the parlor.

"You are under arrest, all of you," the Major announced once more, as the girl entered, "and must accompany me to headquarters." Anna crossed herself, swaying under the shock.

"For what? For *what*?" she screamed. "Under arrest for what?"

"Anna! hush this moment!" Her mother's voice was severe and sharp. "Control yourself!" At that tone, Anna's hysterics stopped as though she had been suddenly stricken dumb.

Mary Eugenia turned to Major Smith. "Will you please inform us, sir, why we are thus arrested and taken from our home at this hour of the night?"

"Yes, madam. You are to be questioned concerning the assistance given Booth in the murder of the President, Abraham Lincoln."

"Assistance to Mr. Booth? But there has been no assistance to

Mr. Booth from anyone in this house." She crossed herself unconsciously and half closed her eyes as she sank back into a chair.

"That we shall see, madam. Be so good as to inform my men where they may find the young lady's bonnet and your own."

"I will bring the wraps into the parlor," she said stiffly. "One of your men may accompany me, if you like," she added hastily, as she saw that permission to leave the room would be refused. "May I send one of the soldiers to wake my servant? I should like to give her some instructions before I leave my house."

Major Smith ordered a soldier to knock on the door of the back third-floor room and awake its occupants. Another soldier conducted Mrs. Surratt to collect some personal articles for herself and Anna. A messenger was sent to obtain a carriage for the ladies. Major Smith reluctantly decided they could not be expected to walk through the streets at night to General Augur's office.

Only the shortness of her breath and the uncontrollable trembling of her hands betrayed her agitation as Mary Eugenia returned to the parlor. She had been accompanied to Susan's door and had given the stupefied woman instructions about the breakfast to be served in the morning if her mistress should be delayed after the usual hour. If Misteh Lou and Misteh Holohan came in, Susan Ann was to tell them where the ladies were and say that they would return at the first possible moment. If Misteh Johnny came home, Susan Ann was to give him the same information and see that he was well taken care of in his mother's absence. He was no doubt in need of rest and certainly of fresh laundry. Whatever supplies were necessary in the kitchen she was to buy from Mr. Hinslow on Mrs. Surratt's regular account there.

Her knees were trembling as she regained her chair in the front parlor to await the carriage. She called her sobbing daughter to her and placed her arms about her shaking body.

"Hush, baby, don't cry like that. This will soon be over. It doesn't help to cry, Anna child. Of course, they have to ask everybody everything they know. We are not the only ones. This is a dreadful thing—and will be till the murd'rer confesses. Hush, child. There there, baby."

Over the head of her exhausted daughter Mary Eugenia looked

up at Major Smith. "May we take time, sir, to say our prayers?"

He nodded. She knelt before her chair, rosary in hand. "Our Father. . . ." Her clear voice shook only a little, but Anna's fervent responses were almost indistinguishable from her sobs. One of the soldiers crossed himself at the words and his lips moved noiselessly. The officers removed their hats.

As they knelt, the hall filled anew with men in uniform. The metropolitan police had been reinforced by Federal officers from General Augur's office, reinforced in turn by soldiers from Colonel Lafayette Baker's Secret Service, all come to capture the women who knelt in prayer on the parlor floor. The scent of blood-money was in the air, and representatives of seven Departments converged on the two trembling women before them.

Mary Eugenia rose from her knees at the grating noise of wheels stopping at the door. The carriage had come. It was time to go.

As she pulled her wrap about her, the bell rang again, a tremulous, uncertain jingle. Instinctively she moved forward as if to answer it. A guard in the doorway stopped her. In the hall, she could hear sharp, authoritative military voices and indistinct replies, lost in a bedlam of sound. Soldiers, officers, police crowded about the door. A moment later Major Smith returned to the parlor.

"Step into the hall, Mrs. Surratt!" He seemed excited. Mary Eugenia passed from the brightly lighted parlor into the hall, illuminated by one dim gas jet.

"Do you know this man, Mrs. Surratt?" the Major asked.

A gaunt young giant was leaning weakly against the wall of the hallway. His face, darkened by several days' growth of beard, was streaked with grime and mud. His long gray coat was torn and caked with clay. On his head was a makeshift hat, originally the torn sleeve of a gray woolen undershirt, the end of which was hanging tassel-like over his shoulder. Beside him on the floor was a muddy shovel, and from his grime-plastered hand hung a broken pickaxe.

In the dim light of the hall, she looked once and turned away shuddering. She raised her hand as though to shut out the sight.

"Before God, gentlemen," she said, "I have never seen the man before."

The officers present exchanged glances, completely emotionless, saying nothing. The lone middle-aged woman could feel the wall between them and her, a wall erected by their uniforms and her name—Surratt. With her eyes turned away from the pitiful, silent creature huddling against the wall, she moved backward toward her parlor. She had taken but a step or two when Anna came out of the room, flanked by a soldier at each arm. Major Smith ordered the scarecrow of a man taken to headquarters. He, himself, would escort the ladies to their destination.

Not until she reached the outer door did Anna catch sight of the stranger. "Mama, Mama!" she screamed. "There's the murd'reh. . . ." And still screaming she stumbled after her mother, out the door of the Surratt boardinghouse, into the waiting carriage.

It was the beginning of a ride that was destined to result in the most sensational trial in the history of the United States, a journey without end for Mary Eugenia Surratt.

II. *Old Capitol*

THEY ENTERED A NOISY, smoke-filled room about fifty feet square, divided through the middle by a three-foot railing with a narrow gate in the center. Major Smith herded them to the swinging barrier, held it open for them, and waved his hand in the direction of a dilapidated sofa inside the railing. They sat down obediently, huddling together in panic and humiliation. Anna was paralyzed with fright, her teeth chattering from nervous strain, shaken by such convulsive sobs she was unable to sit erect without her mother's arm around her. There was a door at the opposite end of the room, which soldiers and officers entered and left without pause. They could hear the loud buzz of voices, the excited shouting of orders each time the door opened, but could catch no more than a word here and there. The officers inside seemed to be organizing the hunt for the assassin, Mary Eugenia gathered.

They had lost sight of the Major in the press of the room, but now they could see him talking to the officer at the huge rolltop desk that stood next to the busy door. He was whispering animatedly, punctuating his words with his fist on the desk. The strange officer nodded, laid down his pen, and surveyed the ladies with unconcealed curiosity. Several cavalrymen standing near by followed his glance. Anna flushed and Mary Eugenia's thin mouth became thinner. They pressed closer together, shrinking behind the guards standing between them and the starers.

Major Smith seemed to have won his point. The officer at the desk rose to his feet suddenly, opened the door to the mysterious inner room, and closed it quickly behind him. The Major returned to his prisoners. "Come with me," he said. Mary Eugenia and Anna rose from the sofa. "Not you," he told the girl brusquely. "Just Mrs.

Surratt. You stay here." A moment later, Anna was alone, watching in terror as the door beside the desk closed behind her mother.

Before she could yield to the impulse to scream that was tearing at her, she heard her name called and looked up to see a rotund, semi-bald officer in a captain's uniform approaching her, notebook in hand. He asked her routine questions, silly questions to which he must know the answers as well as she did, she thought, since the Government took the trouble to send searching parties to her home. Her name, her address, her mother's name, her age. And then the Captain asked:

"Now, the man that came to your door when you were leaving . . . didn't your brother come in just as you were leaving?"

She glared at the blue-coated figure for a moment in silent rage. "No," she said, "not Johnny—not Johnny."

At a gesture from her interrogator, the men grouped before the railing to listen to her answers parted and revealed for an instant the gaunt and haggard young giant who had entered their hall. He was standing behind them handcuffed to two guards.

"That's your brother now, ain't he?" the Captain demanded. "There's your brother John. He's a Surratt, ain't he?"

"That man? That murd'reh?" she screamed at him. "Whoever says that ugly man is my brother is no gentleman!" She looked at the prisoner again and for the first time really saw him. He was the same scarecrow of a figure, but now his face was washed clean and his hands looked white and womanish. The stocking cap was gone from his head. He was not her brother, but she had seen him before. "Oh!" she gasped. "It's Mr. Wood, the Baptist preacher who stayed with us." And then before she could say any more, she saw the inner door open and her mother came through it, followed by two soldiers.

"Are we going home, Mama?" she sobbed. "Are we going home now?" Her mother looked at her in silence. "Are we going home?" She repeated, pleadingly this time.

Mary Eugenia answered gently, "Not yet, not quite yet. First we are going to Old Capitol."

The army ambulance that carried them to the Old Capitol rocked

on its high wheels, and the mules' hoofs clattered sharply over the cobblestones as they drew near the prison at First and A Streets. The gas lights flickered wanly through the foggy mist, projecting weird shadows of the sentinels against the whitewashed walls of the lower story, whitewashed to make better targets of any who might try to escape.

They entered the prison from the First Street entrance, passed through the arched doorway into a large hall lined with benches. This was the guard room. Here they would wait their turn to enter the inner chamber, reserved for the questioning of the newly committed. The hall was crowded with soldiers and the air was heavy with the fumes of leather and unwashed bodies, of wet woolen uniforms and the pungent smell of gas jets and inferior tobacco.

They waited only a minute or two before they were brought into the inquisition room. An officer was seated at a desk inside, scratching industriously away with a pen. Chilled by the night air, Mary Eugenia waited until the officer, a colonel, should recognize her existence. It seemed hours before the officer lifted his eyes and surveyed them with a coolly compelling gaze. Then he opened a drawer in his desk and drew from it a sheaf of photographs which he proceeded to study painstakingly, shifting his eyes on occasion to the widow and her daughter.

Faint with fatigue, the women waited the pleasure of Colonel Foster, stern and implacable, with the power of a nation behind him.

"Which of you is Mrs. Surratt?"

Could there be any doubt in his mind? Mary Eugenia thought. "I am Mrs. Surratt," she said in a tired, subdued voice.

"Then, madam, it is my duty to question you, among others, concerning the assistance given Booth in the murder of the Pres—"

Anna broke from her mother's side and threw herself toward the desk in a fury.

"How dare you? How dare you? How dare you say my mother helped Mr. Booth?" She glared at him with such pigmy ferocity that he seemed to shrink back. Two soldiers stepped forward, but Mary Eugenia outflanked them.

"Anna, my child," she said as quietly as though the officer had not spoken, "Anna, come with me and stay quiet." With her mother's help, Anna struggled to a bench that Colonel Foster indicated by a wave of his hand. Once seated, the girl lapsed into dazed submission. After a whispered word or two, Mary Eugenia drew herself up to her full height and walked with composure back across the room, unmindful of the soldiers who dogged her steps.

Seeing her drawn, chalky face, Major Smith placed a chair for her before the Colonel's desk. Colonel Foster looked down at the desk, waiting to resume. He gave Mary Eugenia time to summon the remnants of her dignity. She waited his first word.

"How old is your son John?" was his first question.

"My son, John, is twenty-one years old."

"How long have you known the actor, Booth?"

"I have known him about two months."

Colonel Foster thought again. "Why did he come to your house?"

"I think . . . my son invited him when he met him."

"How did your son meet him?"

"I do not know how he met him."

"What did you think was the reason for his meeting him?"

"I did not attach any significance to his meeting Mr. Booth."

"Were you not surprised at your son being on friendly terms with such a person as Booth?"

"No, sir. My son is a country-bred young gentleman. I was not surprised at his meeting Mr. Booth because I consider him capable of forming acquaintances in the best society." She ruffled at the disrespect to her son. She had not expected Colonel Foster to question her like this. She had expected from him the courtesy due a lady of her years who might be interviewed as a matter of routine in such an overwhelming public calamity. This man was implying that she was concealing information of importance. Well, she was not, and he should soon see that no child of hers could possibly have been involved in a sinful thing like this.

"Did you not think that Booth's calls on your son were unusual?"

"No, sir. I did not consider his calls unusual."

"How did your son make Booth's acquaintance, do you suppose?"

"He made it, I suppose, as any young gentleman would, and invited him to his home."

"When did Mr. Weichman make Booth's acquaintance?"

"I don't know."

"Did Mr. Weichman know him before your son met him?"

"I think they met him at the same time. I think they were introduced to him at the National Hotel."

"Has not all this occurred to you since the murder?"

"Yes, sir, but I cannot account for it. No one could be more surprised than we that he should be guilty of such an act. We often remarked that Mr. Booth was clear of politics. He never mentioned anything of the kind, and it was a subject we never indulged in."

"What are your sentiments?"

"I do not pretend to express my sentiments at all. I have often said that I thought the South acted too hastily. That is about the amount of my feelings. I say so again." Her lip trembled.

"Did your son say where he was going?" Colonel Foster asked after a long pause.

"No, sir, he did not."

The humiliation of bringing her personal and financial difficulties into the open was forgotten. She had to make this officer see there was no possible connection between Little Johnny and this dreadful murder. "He was a little vexed. The draft was being enforced in Maryland and I told him to go over to Baltimore and pay the fifty dollars for exemption. He came home and told me to never mind the draft and went out to walk with Mr. Weichman. Mr. Weichman returned without him and said he had bid him good-by and was going to call on a friend. I asked Mr. Hinslow, the grocer, if he had seen him, and he said Johnny had called on Monday evening." (Unless necessary she would not tell him that she had been worried about Mr. Hinslow's bill and that she had wanted to know if John had paid it.) "On Wednesday I had a note from him in Springfield, Massachusetts. He said he was lying over half a day, that he had overslept and the conductor had neglected to wake him. He didn't tell me where he was going, but I think he was going to Canada."

"What made you think he might go to Canada?"

"I heard him say he might go to Canada. Last fall he spoke of going to Europe."

"How much money had he?"

"He had two twenty-dollar gold pieces he said he'd had for some time and he wanted to get them exchanged."

"How much did he get for them?"

"I don't know how much premium he got for them. I heard Mr. Holohan say he had exchanged them for him. I suppose he exchanged them for the value of the exchange."

"If he expected to go to Canada, why should he sell that money to get its value in greenbacks?"

"He might have wanted it for other uses."

"He had no more gold?"

"I don't know." Would the questions never end? She looked nervously across the desk at a uniformed stenographer, recording the questions and answers.

"How did you know that he had just two twenty-dollar gold pieces?" Foster went on inexorably.

"He said Mr. Holohan would exchange it for him."

"No man on earth believes he went to Canada!" the Colonel snapped.

"I believe it!" she retorted.

"No one believes it. They would just as soon believe that a bird could fly if you cut off its wings. If he had exchanged part of that gold into greenbacks, five or ten dollars worth, that would have paid his fare to Canada, and then he would have had the balance of his money to rely on when he got into Canada. But if, on the other hand, he wanted to travel around the United States, he would use greenbacks; and if, on the other hand, he wanted to go South, as he did—and has been back and forth before—"

"I can't say that."

"—he would have put it into greenbacks which would have commanded money."

"He has never been away from home long enough to go South."

"How long does it take to go across the river?"

"I don't know the width of the river."

"How wide do you suppose?"

"It varies, I suppose. I've never crossed it except at Alexandria."

"You could certainly go to Fredericksburg and back in four days and to Richmond and back in a week. He has been away longer than that many times." She wondered how this stranger could be so certain when she herself had never known where Johnny went on his strange trips.

"I don't think he has."

There was a silence. The Colonel tapped petulantly on his desk with a pencil.

"You cannot explain Booth's acquaintance. You cannot explain the gold exchange. Perhaps you can explain how he makes his other acquaintances?"

"He doesn't bring any to the house because he has been receiving very few acquaintances."

"Can you explain how he knew the man Port Tobacco?" What did the nasty little German have to do with this mystery? she wondered. And how did the Government know about him?

"He came to the house looking for board."

"How long did he stay?"

"He stayed part of a week. I found liquor in his room. No gentleman can board with me who keeps liquor in his room. I told my son he couldn't stay; I couldn't board him."

"What sort of looking man was he? What color hair?"

"I don't remember. To the best of my knowledge he had a rather bushy head."

"And when his hat was on, his hair turned up a little on it?"

"I don't remember seeing the man's hat on."

"How much of his face did he shave?"

She paused to think. "I don't remember, indeed."

"He had a mustache?"

"I think he had. And side whiskers, I think."

"He used slang words?"

"Not at the table."

"Did you see him on horseback?"

"I don't remember."

"Was his horse a bay horse?"

"I think it was a dark horse."

"He had a single-footed pace?"

"I don't know about that. But then, I never saw him riding. I only saw the horse at the door."

"I want to know if there was another young gentleman at your house?"

"Yes, sir. There was a man who stayed two nights and a day, looking for board."

"When?"

"I can't remember. It was some time ago. More than a month."

"Prior to the eighteenth?" The Colonel's voice was growing sharper. He, too, seemed to be tiring.

"Longer than that."

"That would be a month yesterday."

"Before that." It was now almost dawn. Mary Eugenia's words were becoming fainter, her responses slower. She seemed about to slump in her chair.

"Your son went with him to the Pennsylvania House to get board?"

"I do not know. I only know I told my son I could not board him."

"What was the name of the other young man?"

"I think his name was Wood." Colonel Foster had obviously not been told about the young man at her door. She would not tell him.

"I will be happy to have you give me the names of the three men who came to your house last Saturday and had a private conversation with you."

"Last Saturday?" She was frankly surprised.

"Yes, madam."

"No three gentlemen came to my house, I assure you."

"How many did come?"

"To search the house, you mean?"

"No. You know who I mean."

"Last Saturday?" She strove to recall the day from the welter of her tired brain.

"Perhaps Saturday. Now, I do not want to occupy your time especially, but I do want you to tell me." The inference in his tone roused her from her weariness.

"Upon my word I do not know. Upon my honor as a lady, I don't remember anyone except Mr. Weichman." She leaned forward intently.

"I can tell you what you said."

"Perhaps I can remember then."

"I can tell you what they wanted at your home, too."

"Well, sir, if you will please tell me, I will tell you if I remember."

"You cannot remember anything about it?"

"I don't remember any gentlemen coming to my house."

"I know they were there!" The Colonel reddened with anger.

"Well, sir, if you do, I do not!"

"I mean the men who called at your house and wanted to change their clothes."

"Oh—oh, yes." Her relief was evident. "Mr. Weichman, Mr. Holohan, and one of the detectives came then. That was Sunday morning, I think. Mr. Weichman went to his room and changed his clothes." Why couldn't the officer have said that he wanted to know about Lou and John Holohan?

"What time Sunday?"

"About ten."

"What did you say?"

"I said good morning or something like that."

"I thought you went to church?"

"I went out before that."

"Will you tell me in the presence of Almighty God who first mentioned the name of Booth in that party?"

"I don't remember."

"Indeed, you do. I pledge you my word you do, and you will admit it. I should be very happy if you would do so at once."

"If I could, I would do so." She was trembling now at the harshness of his voice and the threat it implied.

"Reflect a moment and I will send for a glass of water for you."

She closed her eyes and rested her head against the back of her chair. The soldier handed her the glass but she could scarcely hold it in her trembling hand. The relentless voice went on.

"Now, will you be kind enough to state who first mentioned Booth?"

"I don't remember his name mentioned."

"Do you believe what he said?"

"What who said?"

"One of the party."

"I don't remember Mr. Booth's name mentioned. I think to the best of my knowledge the conversation was—one of these gentlemen asked me how I felt. I answered as well as could be expected or something similar to that. Then Officer McDevitt said something in relation to my son. To the best of my knowledge that was the conversation."

"This is getting nearer to it. You are getting on. Now, I call you back again. Do you believe what was said about your son being in the theater with Booth?"

"There was nothing said about my son being in the theater with Booth." Mary Eugenia was adamant.

"Now, what I want to ask you is, do you believe your son was in the theater with Booth?" Colonel Foster was apparently flustered.

"No, sir, I don't believe it. If it was the last word I was to speak." Her voice was scarcely audible. Her body shook and her small, firm mouth quivered uncontrollably.

"What answer did you make?"

With great effort she bent her voice to her will. "If it was made, I pledge my word of honor I did not hear it. Because before the officer finished Mr. Weichman stepped in and said, 'I am ready now.' They were waiting for Mr. Weichman. They bade me good morning and walked out. . . . If I'd remembered it . . . if I'd heard it . . . I assure you if I'd heard it . . . I'd tell you. Oh—I have been too much hurt. . . . You can imagine a mother's feelings, to hear such a thing. . . ." she covered her face with her hands.

The room was still save for her uneven breathing and the scratching sound of the pen as the soldier transcribed the endless questions and answers to long sheets of foolscap.

Colonel Foster pulled a sheet of paper from under a pile on his desk.

"Whose writing is that?"

She dried her eyes with her handkerchief held in trembling hands and squinted at the papers. The crest of Virginia was embossed at

the top and under the motto *Sic Semper Tyrannis* was scrawled in a childish hand, the name, "Anna Surratt." She had not yet been told what Booth's words in Ford's Theatre had been, could not suspect at the time the dangerous parallel.

She wiped her eyes again and caught her breath, thankful for the moment's respite in which to gain command of her feelings.

"I do not know, sir."

"Here is this expression, *Sic Semper Tyrannis*." —Colonel Foster apparently knew its significance. "You don't know why your daughter's name is signed here?"

"No, sir." Silence again except for the tapping pencil. With a shrug, the Colonel changed the subject.

"Did your son own any horses?"

"Yes, sir, two. A black and a bay, but we sold one."

"Is the black one blind in one eye?"

"Oh, no."

"Where is he now?"

"On the farm."

"Do you own a farm down in the country yet?"

"Yes, sir. I rent it out."

"What stock have you on the farm?"

"I had a couple of cows and two horses. I believe one of the cows is dead and one of the horses sold. Now there is only one cow and one horse."

"What kind of horse?"

"The black horse."

"A valuable animal?"

"He was once, but he got down so from hacking about this winter he is not worth much now."

"How much was he worth when he was in good condition?"

"I really do not know. I am not much of a judge of such matters."

"Is he a fine-looking horse?"

"When he was in good order he was a fine-looking horse."

"He is well known through the county?"

"Yes, sir." A soldier tiptoed into the room and laid a closely written sheet on the Colonel's desk.

"He is yours still?"

"Yes, sir, he is ours still." Colonel Foster picked up the note, read it at leisure, and spoke again.

"Did you meet the young man arrested at your house this evening within the past few days and make arrangements for him to come to your house this evening?"

"No, sir."

"Did you have any previous arrangement with any such fellow to do anything about your house?"

"I assure you I did not."

Suddenly and for no reason that she could see, the questioning was over. Colonel Foster had not asked her much that she could answer, certainly nothing that seemed of any importance. Apparently now he was assured that she knew nothing of the crime and that no one in her household was associated with it.

It was dawn when the guard motioned the two women to follow him from the room. Away from the stern-faced Colonel Foster and his accusing voice, the courage that had carried Mary Eugenia through those trying hours faded away. She felt limp and bruised, as weary as if she had lived as many years as minutes since she had heard the ring of her doorbell. The pride she had mustered to answer the unspoken charges on the tongue of her questioner had deserted her. She could make nothing of the barrage of unrelated questions but instinctively felt that something malignant surrounded the appearance of Mr. Wood at her door.

They made their way once more through the dirty, crowded room where conversation ceased at their appearance and every eye turned to watch their passage. A buzz of whispered comment followed them. From the corner came the shrill cry of a Negro beside himself with excitement and hysteria.

Preceded and followed by soldiers they crossed a muddy path into a large yard. Stumbling past rubbish and garbage barrels filled to the brim with refuse, they entered another long porchlike passageway, passed through a shadowy hall and up a flight of stairs at the top of which stood an armed guard. Halfway down the hall they stopped before a door. The advance guard opened it. "Walk in," he ordered.

This was Carroll Prison, annex to Old Capitol. The rays of the rising sun, shining through the two paneless windows, pitilessly revealed the room in which they were to be confined. Dirt and sand grated under their feet as they entered. Long spiderwebs hung in festoons from the ceiling. The paper, loosened by the damp, had peeled in patches away from the wall, while the shreds that remained were smeared with grease and dust. A half-burned log lay on a pile of ashes and charred trash in the fireplace. On a corner of the hearth sat a filthy wooden bucket. The furniture consisted of two iron beds on which there were straw ticks and pillows, brown blankets, but no sheets. Between the windows was a small unpainted table holding a brown jug and tin cup. On the floor was a tin basin, in the corner, a decrepit wooden chair.

All this Mary Eugenia saw as in a trance. She heard the turn of the key in the lock and footsteps retreating down the stair. They were locked in. Here they would have to stay until the mystery was unraveled and the assassin caught.

At a desk downstairs a clerk was recording on the roll sheet for April 18, 1865:

“Mrs. Mary Surratt—boardinghouse keeper. Native of Washington. Held for the order of Colonel Foster’s Investigating Committee.

Anna Surratt—Washington”

Beginning life in 1800 as a tavern, Old Capitol had experienced the vicissitudes of that precarious business, had soon fallen on evil days, and by 1812 had closed its doors to all except mice and bats. After the burning of the Capitol and other public buildings in 1814 by the British under General Ross, the Government had been hard pressed to locate a building large enough to house its two administrative bodies. It had leased the old tavern and, after completely renovating it and refurnishing it, had elevated it far above its humble origin.

Within its walls both houses of Congress had sat, two Presidents had been inaugurated. And then, with the completion of the new marble Capitol on what had once been Jenkins’ Hill, it had become

a school, a tavern once more, and, in the end, a wartime prison. Only the name, the Old Capitol, to distinguish it from its successor, still called to mind its golden past.

Over the prison and its inmates ruled William P. Wood, who had been of some service to Stanton, a former patent attorney, in the bitterly contested McCormick reaper case. He had been a model-maker in Washington, and when things had not appeared too promising at one stage of the case he had taken matters in hand. The decision as to the patent rights of the McCormick reaper had hinged on the type of blade used in its earliest model. Billy Wood had so successfully tampered with the blades offered in evidence that their appearance, combined with the testimony of a half-blind and easily deluded witness, had won the case for Stanton. From that time on, as Stanton rose in power, Billy Wood rose with him. He now enjoyed the title of Captain as well as the remunerative post of superintendent of the prison.

He was a roughly genial man when geniality caused no discomfort or inconvenience to himself, and his management of Old Capitol had been neither harsh nor too restrictive.

Conversation and such entertainment as the prisoners could devise had not been forbidden in the early days of the war. The entrance of a new group of prisoners had been hailed with the cry, "Fresh fish! fresh fish!" along the halls, a jest that tickled the Captain's fancy. The inmates, with Wood's tacit permission, flocked to the meeting rooms to welcome the newcomers, to hear the latest word of the outside world.

On Sunday mornings Captain Wood had been wont to make his rounds announcing that "All you who want t' hear the gospel acco'ding to Jeff Davis, go on down t' the Yard; the Secesh preacher'll give it t' you. All you who want t' heah th' Lawd Gawd A'mighty acco'din' t' Abe Lincun can be 'com'dated in Room 16."

But there was no frivolity and little lenience in the prison when the Surratts were confined there. After the murder of the President, when the temper of the city had increased to hysteria, threats of violence to Southern prisoners were heard incessantly outside the walls, threats which penetrated the walls themselves. Severe restrictions were placed on the inmates. Visits from relatives and friends

ceased. Inmates required official permission before they might visit the reading and meeting rooms on the second floor, and all applicants for passes were questioned, searched, and inevitably refused. In a few days the rooms of the Old Capitol were packed with people from every walk of life. Inquisitions were continuous. Colonels Foster, Olcott, and Wells fired questions at blank, terrified, sleepless faces, white faces and black faces who were grilled again by Captain Wood, by emissaries of Stanton, of Lafayette Baker, of General Augur. The eyes of the nation, of the world, were focused on Old Capitol, in which every suspect, every friend of a suspect, was imprisoned.

In Carroll Annex to Old Capitol, Mary Eugenia and Anna were assigned to a room under special guard and were refused all contact with the outside world.

After one look at the vermin-infested blankets, Mary Eugenia had thrown them in a heap at the far end of the room, preferring the bare, straw ticking. When a colored woman brought torn brown sheets, she accepted them gratefully. They spread their handkerchiefs over the pillows bare of slips, wrapped themselves in their cloaks, and fell asleep, too exhausted to know or care whether their surroundings were clean or not. They were roused by the rattling of the door and sprang up in a panic.

This time it was only breakfast. One slice of bread made of gray flour and a gray liquid that smelled like rhubarb and tobacco juice. A concession was made to their sex—brown sugar, a tiny tin cup of milk, a pat of melting butter. Mary Eugenia surveyed the trays the Negress set on the floor inside their door. The dirty tin platters, the mugs streaked with greasy dishwater, the bread and liquid seemed slight recompense for their disturbed rest. She asked their guard, a private named Nelson, if they might have fresh water. He seemed friendly enough. When he returned a few minutes later with their brown jug full of water, he remarked as he handed it to Mary Eugenia through the door: "Reckon Cap'n Wood's goin' t' talk t' you this mawning."

Captain Wood was a friend of Uncle Zad Jenkins and Anna at once seized on the hope that in a few hours she and her mother would be released. She spent the morning turning over in her mind

the cutting phrases with which she would receive the announcement of freedom. The morning passed slowly, hour succeeded hour, but no call came from Captain Wood.

At three o'clock dinner came up to them on the same dirty, unwashed platters they had seen at breakfast. Mottled salt pork and boiled beans, thin black coffee comprised the meal. A table had been set inside the door for them, so encrusted with the remnants of other meals that no investigation could reveal of what material it was made. Men prisoners were served their food without benefit of knife or fork but the women were again favored. Mary Eugenia's tray contained a pewter spoon with no handle and an iron knife; Anna's boasted a fork on which one tine projected in solitary grandeur between two stumps.

The sight of the cutlery increased the nausea produced by the ill-smelling room and the repulsive food. Anna turned away sickened and shaking, to throw herself once more on the bed and cover her face in her cloak. Mary Eugenia moved to the chair before the window. She placed herself to one side in such a way that she could not be seen from the outside yet could look across the court and see the carriages and pedestrians on the street beyond as they approached the prison. What she was waiting for she did not know, but so she sat throughout the afternoon, staring into the distance. Evening and candlelight came early on that gray day. The colored woman rattled away with the untouched trays and left in their place a small brass candlestick with a small bit of candle and three matches.

Anna struck a match to light it. Her mother halted her. "Better keep it, child. We may need it during the night more than now."

Anna submitted, afraid to ask what her mother thought might happen during the night. At nine o'clock the door rattled once more and Nelson entered, accompanied by an officer and another private. The latter carried a large notebook in his hand. Nelson looked about. "All right," he said, "two in here." The soldier made an entry in his book and the two turned toward the door. Nelson waited.

"Cap'n Wood wants t' see you, Mrs. Surratt. You come 'long with me."

"Captain Wood wants to see us? Now? Now? That must mean we can go home." Anna was gathering up her cloak as she spoke.

"Not you, Miss. Just your mother. You wait here."

"Oh, no—not here alone. Not here alone, Mama, Mama, I can't stay here alone." Her voice grew shrill with fear, "Don't, oh, don't, Mama, don't leave me. Make him let me go with you, make him, Mama, please—please."

"Hush, Anna, hush, at once. Your candle is lighted, say your prayers, and sit quietly till I come back. Nothing's going to harm you. Nelson will be right outside your door. He won't let anybody in. You'll watch the door till I come back, won't you?"

"Them's my orders," Nelson answered, sheepish at his transition from guard to guardian.

Mary Eugenia left Anna clutching her rosary with shaking hands. Again she was conducted to the inner office where she had been questioned before. This time the man seated at the desk was short, round, and of middle age, with dark hair and eyes that twinkled incessantly. An expression of extreme good humor rested on his red face, and only a keen observer would have noticed the cunning that underlay a studiously stupid demeanor.

On Mary Eugenia's entrance the man appeared so engrossed with the contours of a piece of wood he was carefully whittling that he seemed unaware of her presence. The soldier who had conducted her into his presence backed out with a half-smile. After some minutes of attention to his task, Captain Wood raised his eyes. He seemed surprised to see her. He sprang to his feet with surprising agility for one of his years and poundage.

"Oh, yes, Mrs. Surratt. So here yo' are." He produced a chair for her from a corner with all the geniality of a host who has long awaited the hour of meeting. Mary Eugenia accepted the chair thankfully, but she had not missed the sharp eyes taking in every detail of her appearance even while they twinkled.

"Mrs. S'rrat, this is a mighty painful piece of business we've got to look into right now. This ain't the kind o' business I like, ladies like you an' Miss Anna shut up in the kind o' prison we have t' keep fo' common criminals." Mary Eugenia looked up as he ended his speech.

Captain Wood resumed his whittling. When he had rounded one end of his stick to his entire satisfaction he proceeded.

“‘Course you know, this ain’t anything I can help. I’ve got t’ do just what I’m ordered to do, but if there’s anything I could do, to help yo’ along, I’d be glad to.”

He had talked to Colonel Foster, the voice went on, and he had read the examination report. His old friend Zad Jenkins had told him she was his sister. Was there anything that she had not mentioned in her first examination? Anything that would be of any assistance to her?

She had given every bit of information that she had to Colonel Foster, Mary Eugenia declared. There was nothing further that she knew or could tell.

If only her son were here, went on Captain Wood, whittling away at his willow stick between his words. It looked as though it would turn out to be a whistle when completed.

Since her son had been in Canada all the time he could not have had any part whatever in a murder plan, she insisted in reply. If only Captain Wood were acquainted with her son, he would realize at once how fantastic the whole accusation was.

But about this kidnap plan, he knew about that didn’t he?

No, of course not. Not Johnny. That was not like him at all. He had no wish to harm anyone. She could swear to that.

Captain Wood’s interest in his stick increased. He worked diligently and swiftly. Then, having attained the desired perfection, he laid the whistle in the desk and turned to her purposefully.

“Mrs. S’rratt, ma’am, I’ve got a prop’sition to make that it’s taken me some time to fix up. Took me a mighty long time t’ git permission t’ say this. But I think you’re in need of friends; I think yo’ need help, an’ if yo’ kin just show the Gov’mment that yo’ mean all right, I think we kin git yo’ out o’ this. If yo’ll go long with a group of officers an’ me to Prince George’s county an’ you point out t’ us the roads a man might go over if he was headin’ south, away from Surrattsville, an’ in a hurry to git away; then, right away, you kin go on home.”

She thought a moment.

“But, Captain Wood, I don’t know the roads south—”

"Well, you'd know in a giner'l way which ones a man'd take, an' that's all we want. I got Sec'tary Stanton t' say he'd give you a pardon an' one fo' Johnny, too, if you'd help just that much t' ketch the murd'rer of the President. That man, Booth."

She thought again. "I'm sorry, Captain Wood, I wish I could do it. If I could help to settle this awful thing, if I could help in any way at all, I would. But I can't. You see I don't know the roads south. I've never been to Richmond, never been anywhere below Alexandria, an' I couldn't help at all." She added slowly, "I just couldn't go out home arrested, with soldiers, for the Robeys an' everyone t' see me a prisoner. I just couldn't." Then as she saw him about to speak, she went on. "You see, I haven't done anything to be pardoned for. In a short time, they'll see that. I haven't done anything wrong."

Mary Eugenia had evaded the trap laid for her by the wary captain. She realized that the pardon would be granted only if she were able to help catch the murderers. Yet to point out the right road, if she did hit upon it by chance, would be considered incriminating. As she left the room, Wood carefully selected a willow stick from a pile in the corner, drew out his knife, and began to whittle. He nodded to the guard at the door that he was ready for the next interview.

Mary Eugenia returned to her room. It was then past midnight, April 19. Another night of worrying, wondering, and waiting.

III. *Mary Eugenia*

FROM THE WINDOW of her cell, Mary Eugenia could see the Capitol building dominating the low flat city from its hundred-foot plateau, with the year-old Statue of Freedom surmounting its dome. It had been built on land believed to have been once owned by her paternal grandfather, Thomas Jenkins, taken by the young American Government by right of eminent domain in 1790.

For a century and a half before the Revolution, her ancestors had lived and prospered in the Maryland counties of St. Mary's, Charles, Calvert, and Prince George's, but it was on the fringe of the District, close by Anacostia, that Mary Eugenia was born in May 1820. Her childhood was spent within a short distance of the Navy Yard bridge over which a black-haired, half-demented actor was to gallop madly forty-five years later, bearing her life in his hands. Her parents were Protestants, wearing their religion lightly, who sent her to the fashionable Miss Winifred Martin's School for Young Ladies in Alexandria, Virginia, where she remained until 1835. The school was a Catholic one, and the devout lay sisters who taught her inspired in the sensitive, impressionable girl a deep interest in the Roman Catholic Church. Without parental opposition, if not approval, Mary Eugenia became a convert to the Church. In the first flush of her enthusiasm, she seriously considered taking the vows of a nun, but the protests of her father, Samuel Isaac Jenkins, and her two brothers, James Archibald and John Zaddoc, dissuaded her. She postponed her decision, waiting their consent or her coming of age, and it was with relief that in her sixteenth year the family observed her growing interest in John Harrison Surratt of Fairfax County.

Mary Eugenia, said her father, would not be so engrossed in

religion if she had a home and a family of her own. Young Mr. Surratt was a gentleman of good lineage and substantial property. The Jenkinse welcomed his attentions, for they had not hoped that their daughter would attract such an eligible suitor. True, he was much older than Mary Eugenia, but he was still in his twenties and financially well established. After all, Mary Eugenia was not beautiful, said her mother.

Mary Eugenia was tall, too tall for a woman, but she was straight as an arrow. Her long, heavy plaits of hair were straight, too, but they were a coppery brown and were her one claim to beauty. Great gray eyes, looking out of her slender face, alone redeemed it from plainness. But there was a charm in her quiet ways, in the timid smile that started in her eyes and spread slowly to her faintly pink lips, in the sincerity of her deliberate speech.

Following their marriage, John Surratt settled his bride in a comfortable home in Washington County, District of Columbia, which he had inherited from an uncle. Almost before she was well settled in her home, her first son, Isaac Douglas, was born.

Her husband's failure to share her devotion to her Church was the only shadow over her happiness now. The Surratt gentlemen were of Huguenot descent and they had not forgotten the departure of their own forebears from France. While their wives were often chosen from the parishes in which they lived, the gentlemen seldom gave more than passing courtesy to the Church these wives served so faithfully. Mary Eugenia's children would be reared in her faith, and with that she was forced to be content.

Within five years of her marriage, her first home burned, and although it was quickly repaired, John Surratt determined to move farther into the country and began to look for near-by acreage. The land he chose for his new home was part of the rapidly diminishing Calvert estate inherited by George H. Calvert of Riverside, and lay about thirteen miles out of Washington and a mile and a half beyond the homestead of Zad Jenkins, Mary Eugenia's brother, who had bought land from the tract known as "George Found It." The new Surratt home would be accessible from all points, standing where the Washington-Bryantown road crossed the highway leading from Piscataway to "His Lordship's Kindness" and on into

Upper Marlboro. In 1840, John bargained for twelve hundred acres. Part of the purchase price was paid in cash, the unpaid balance to be paid later. That the balance would never be paid no one could foretell, and that negotiations for its payment would provide the prosecution with a fatal coincidence was an unfortunate quirk of destiny.

Only the vaguest descriptions of the land purchased or sold and only the most indefinite boundaries were considered necessary for land transactions between the county gentlemen. "Let the Parcel contain whatever number of acres it may" was held to be adequately specific. The presence of a third gentleman to witness the agreement between neighbors was sufficient protection against legal technicalities. A written contract was seldom necessary, since the deed was not delivered until payment in full was completed.

In the establishment of his plantation and the routine of his daily life, John Surratt followed the example of his neighbors, in whose pattern of existence there was little variation. Times were easy. Prince George's County soil, at the faintest persuasion, produced abundant crops that sold quickly at high prices. Small planters were buying up the lands that the owners of huge plantations found unwieldy to manage, and John Surratt, land hungry, did the same. On May 30, 1842, he purchased from Richard Neale an indefinite number of acres. On them stood a grist mill that added a considerable income to its owner.

The years between 1840 and 1850 passed uneventfully. In 1844, a second son, John Harrison Surratt, junior, was born. Five years later, Anna completed the family circle. Times in the county remained good. The homes of the small planters reflected the taste and indulgence of the day. Their children were educated by private tutors or in the seminaries and convents surrounding Washington. The Surratts, with their neighbors, lived affable, casual days, entertaining their friends in their villa, going to church when the mission priest was able to come to the little church at Surratt's, or even on occasion driving over to St. Mary's at Piscataway. Mary Eugenia became an amiable matron, content in her family and confident of the loving kindness of God and the justice of man.

And then John Surratt, who owned the land across the Marlboro-

Piscataway Pike from his villa, opened a store at the crossroads. A barroom was his next investment. John L. Notte was employed to tend it and to spend what time he could spare in the store as well. Within a few years Squire Surratt had sold some lots adjoining the store area, a blacksmith shop had moved in, and a new little community known as Surratt's or Surrattsville began to thrive.

The Squire of Surratt's had always been averse to physical effort or inconvenience on his own part. Give him a problem to solve or an argument to settle and he was indefatigable in its pursuit, but only if it required no bodily exertion. In his youth, he had been a railroad contractor and money had come to him through the efforts of the men who bent their muscles in response to his will. Similar conditions in the life of the planter appealed to him.

For the first few years, he relished riding over his fields, his good red horse under him, his dogs at his heels, and his servants to report the progress of the crops that turned his fields from the green of spring to the gold of autumn and then to silver and gold in his pocket. But as the years went by, the shade of his vine-covered porch and the rich fumes of brandy in his cup held more charm for him than the loamy heat of his fields. The sound of horses' hoofs thudding after the baying hounds was more to his liking than the clank of harness and the creak of wheels.

Then even the joy of the chase palled. With the years creeping upon him, the flesh accumulating on his huge frame, the Squire found it more pleasant to sit in his comfortable chair on his store porch, with a palm leaf fan out of stock, while he received the greetings of his neighbors and dispensed the gossip of the countryside. Each conversation was accompanied by an invitation to a julep, to a bourbon straight, or to brandy from the heavy cut-glass decanters that held the Squire's private stock. At dinner time, the Squire, leaning on his manservant Dan's arm, would move heavily across the road onto the wide piazza and into the cool dining room. More often than not he was accompanied by his companions of the store. There, between continuations of the heated talk of Compromise, the Kansas-Nebraska Act, the Dred Scott Case, or the debates between Mr. Douglas and a man named Lincoln, out in the west somewhere, huge quantities of rich, highly seasoned food were con-

sumed and conventional thanks expressed to Mary Eugenia. Then the gentlemen were away across the lawn and the road. More discussions and more brandy.

It was the life of the time. Food, drink, and politics. The days passed with the Squire always engrossed in one of the three and almost always happily tippled from the combination. It was an unhappy habit, thought Mary Eugenia, and to her dislike for the liquor was added concern for her husband's health.

"The sun is shinin' very warm on the store porch, Mr. S'ratt," she would begin on occasions when she felt that circumspection was demanded. "Won't you sit home this afternoon, and if there's gentlemen needs to see you, Dan can bring them to the piazza." Occasionally, after a look at the blinding sun shining on the dusty road before the store, the Squire would fall in with her request. Then she would take time from her duties to sit with him, calling his attention to various things about the plantation, until someone strolled over from the bar or the store to ask his opinion about some local or national development.

But these times were seldom. More often he would reply, "Not today, if you'll excuse me, ma'am," and conscious of her disapproval he would call Dan to assist him across the road again to his congenial occupation. Beneath his unfailing courtesy to his wife lay the determination of a man whose wishes had never been crossed.

The Squire loved his store. It meant to him what Mary Eugenia's pantry shelves and storerooms meant to her. He loved its dim, cavernous interior, its shelves of calico, its bolts of muslin, its trays of sewing cotton, and its array of buttons. He liked even the barrels of sugar and the tubs of lard melting in the summer heat, the smell of the saddles and harness hanging in the back, and the aroma of peppermint in a glass jar, the brine of salt fish, the sharpness of turpentine, the sickly odor of the coal-oil tanks and the tang of onions drying on the floor of the back room. The mustiness of wheat, oats, and barley in canvas bags and beside them the heavy, cloying pungency of drying tobacco leaves blended into a heavenly sweetness in their master's nostrils. As sweet, almost, as was the respectful attention given to the wise words of the Squire of Surratt's.

It was this sense of abundance of both tangible and intangible

possessions that convinced the Squire of the impregnability of his generation. It made him close his ears to all suggestions that anything more could be desired than the present slow-moving days of Prince George's. He had everything he needed. His family had all it required. He had houses and lands more than he wanted. There was nothing to consider further. He had only to sit in the sun.

He began to sell his lands a little at a time.

"But, Mr. S'ratt," his wife protested, "Isaac and Johnny'll need the land. Why sell the land? It's such good land. The boys'll marry and they'll want t' be close t' home. Why not sell the store, Mr. S'ratt? If you need immediate money, why not sell the store or the barroom? Wouldn't it be better to keep the land?"

"There's taxes on land, my deah, and the worry and expense of cultivating the fields is a great responsibility. There's the matter of getting a good overseer. I haven't been able to hire a good overseer in years. . . . Then there's the matter of selling at a profit . . . and . . . but you've no head for business, ma'am. But," he added gallantly, "there's no need you should have. From the store and the bar, there's a steady, substantial flow of income. That's better for me than the worry of niggras and crops."

Mary Eugenia could find no answer to that. The land continued to go and her only resignation to its sale lay in the knowledge that at least a part of the money received was applied to the old Calvert debt that had covered their home since 1840. It was true, she admitted to herself, she knew nothing about business, but her uneasiness persisted. Land that he had sold to John Marshall remained unpaid for. In 1852 he had sold seventy-five acres of the Calvert tract to a neighbor, John Nothey, for which no money had changed hands. That these obligations remained unpaid, was of minor importance to John Surratt. The Nothey debt to him offset his own to the Calverts. The richness of the Maryland soil and the prices then current made the eventual payment of the debt sure. The Calverts appeared equally unconcerned. John Nothey's interest was accumulating—a good investment, thought the Squire.

On October 6, 1854, a post office was established in the crossroads village and John Surratt received his appointment as postmaster of Surratt's. Shelves for the distribution of letters were set up inside

the store and the delivery of the United States mails was added to the other dignities of the master. For him, life left nothing to be desired.

By 1857, when Isaac came home from St. Aloysius School in Washington, there were only 600 acres left, most of them uncultivated, and cotton was down to six cents. The boy had been the despair and pride of his teacher, Father Wiget, with his quick mind and his gay, worldly ways. From his birth, Mary Eugenia had hoped he might turn toward the Church for his vocation, but in the months that followed his return, it became evident that the sedentary life was not for him. He rode the wildest horses in the county, danced all night, drank a little, gambled more.

His habits and companions worried his mother and infuriated his father, who had left his own wild days far behind him. Isaac should settle down, said Mr. Surratt, and take the responsibility of the store and bar off his hands. Isaac must get away, thought Mary Eugenia. He was learning nothing, accomplishing nothing at home. She had Little Johnny to think of. He must have his chance, too. She had spent on Isaac's schooling the little money she had inherited from her father's estate. Where the money would be obtained for Johnny's higher schooling she did not know.

In her perplexity, she turned to the one person to whom she could confide her troubles. She wrote to Father Wiget:

"Surrattsville, Md.

Dear Father:

Knowing your kind and feeling heart I will intrude on you with a few lines to beg a favor which I pray it may be in your power to do. As Mr. Surratt will not send Isaac to school and I have sent him as long as I have any means I must now put him to doing of something to get his living and it seems impossible to get him a place in Washington. I was advised by a friend to write to you as it was more than likely that you could get him a place in some grygoods house or some other place you would think fit for him. O, I hope, dear Father, you will try to get him something to do, as it will be much better for him to

be out of the sight of his Pa as he is drunk almost every day and I fear there is little hope of his ever doing any better. Oh, I could not tell you what I see on this earth. I try to keep it all from the world on the account of my poor children. I have not had the pleasure of going to church on Sunday for more than a year. I hope I shall be able to send John to school next year as I intend talking Annie home after this year. She is still in Bryantown and doing very well with her studies. I hope you will soon be on to see us all, though you do not come to see me it gives me the greatest pleasure to meet you in that little Church where we have met so often to return to Almighty God thanks for his Graces and Blessings bestowed upon us.

I will not detain you any longer. Please send me a few lines as I may hear from you and beleave me they will be greatly recieved by

Respectfully yours,

Jan. 17, '58.

M. E. Surratt."

Father Wiget responded with the offer of a position in a Baltimore drygoods house. The offer was accepted, but the life had little appeal for Isaac. As a small boy his imagination had been caught by the stories of the first Pony Express that had carried the news so swiftly between Washington and Baltimore that it had appeared in Mr. Arunah S. Abel's penny journal almost the day after it happened. He regretted the advent of the telegraph in 1844 which obviated the need for carrying the mail. In 1860 when the Revolution in Mexico was raging, the sagacious Mr. Abel had instituted another Pony Express to ride between Sante Fe and Matamoras, Mexico, to bring in news of the progress of Juarez for avid American readers. Isaac lost no time in applying for an appointment as rider in March 1861. After a brief visit at home, he left for Texas. He never saw his mother again.

Meanwhile the happy secure days of her early marriage seemed destined never to return for Mary Eugenia. Her husband was continually pressed for money. Mr. George H. Calvert, senior, had died, and his heirs demanded the amount due on the Surratt land in order to settle the estate. John Marshall had died without paying

for the land he had bought. John Nothey still held the tract he had purchased but he had paid no further part of the price, and the interest compounded was still unpaid. How, argued Squire Surratt, when no one paid him, could he be expected to pay his debts?

As their financial troubles increased, Mary Eugenia consented to turn part of their home into a tavern. The Washington-Bryantown stage carried many travelers who would appreciate and pay for an overnight stop. The income would enable her to keep Little Johnny in school and to pay Anna's tuition and music fees at Bryantown. She could manage it for a short time. It would be only a short time, she was sure, for as soon as the unsettled political affairs calmed down, and the people stopped their foolish war talk, John Nothey would be able to pay what he owed the Surratts and her husband's debt to the Calverts could be lifted. Then there would be little to worry about in a financial way.

Little Johnny's education must go on. She had chosen St. Mary's School for him, hoping that the priests would inspire him with a love for their vocation which they had failed to inspire in Isaac. To this end, he was put to room with Lou Weichman, who was a year older and who had already chosen the Church for his career.

Lou was from Philadelphia, the son of John C. Weichman, and was alone and friendless in the Southern school of St. Mary's. Already the seeds of distrust between North and South had been deeply sown, and Lou was alien to his schoolmates in birth and mode of living. He became the butt of boyish pranks until John was moved to pity for his timidity and made Lou's battles his own.

After St. Mary's was left behind, they matriculated together at St. Charles College in Howard County, a few miles out of Baltimore. Lou planned, after finishing St. Charles, to obtain an appointment to Bishop Magill of Richmond and living in the Bishop's House to complete his preparations for the Church. With the approval of his family and his older brother, already an ordained priest, Lou's road lay smooth before him.

As the boys became more intimate, John's family included Lou in its circle. He came more and more often to spend vacation times in the sunny leisure of Surratt's Villa, whose more pressing financial problems had been solved by the tavern income.

To Lou, the life of the plantation was a revelation, a glorious contrast with the urban life he had known. Here wide piazzas were shaded from the noonday sun by spreading old trees. Wisteria clung to the walls and showed bright against the white clapboard. Honey-suckle covered the fences and rambled on hedgerows down the roads away from the house. In the evening its scent hung sweet on the cool air while fireflies flashed like candles in the trees. Here was the stability and quiet of permanence.

The opening shot on Fort Sumter on January 16, 1861, ended happy days for the Surratt family and changed the countryside from its pleasant rural activity to feverish preparations for war.

Between the North and the South, adhering to neither entirely but favoring the Confederacy, lay Prince George's County. And the county suffered the fate of all who stand between rival armies. No sooner had hostilities begun than the plantations were overrun with soldiers from the various forts surrounding Washington, from Fort Foote, erected as a bastion in the first line of defense for the District of Columbia, and from Fort Washington, on the second line.

Political enmities that had rankled in Prince George's for years flared suddenly, and the scene of the most violent debates for miles around was the barroom at Surrattsville. The Squire was the most outspoken of states'-rights proponents, and he viewed the election of Abraham Lincoln with unequivocal disgust. From the height of his authority as postmaster, as a citizen and property owner, he spoke his mind on every occasion. Since the weight of his years and his body kept him from the joys of the hunt, he searched out every prey he could find in politics, national and local; he drove from its covert every Administration weakness that he could beat up. There was only one man he could never best—Mary Eugenia's brother Zad, a staunch Administration man. When their arguments became too bitter, the Squire, from his height of six-feet-three, would lay a friendly arm across the shoulders of his fiery-tempered little brother-in-law and end the dispute in an armed truce, neither man convinced, only waiting another day to begin again their contentions. Each night the barroom filled with planters who came to sample the contents of its bottle-lined shelves and tell each other tales of

Abolitionists—how for years they had traveled in disguise, slipping like vipers into Southern households and secretly agitating discontent among the slaves. . . . There was one down in Virginia who had said he was studying Southern farm methods for a Northern agricultural paper and had been invited into the house as a guest. By night he had slipped out to the quarters to stir up the slaves to rebellion. All he had accomplished was a new yellow baby in the arms of a comely black wench. The girl had named it for him. The planters guffawed.

Look what had happened at Harpers Ferry; look at all the other crimes the Abolitionists had fomented when they had incited the ignorant Negroes to the most revolting crimes. Houses had been burned, families murdered, and then those responsible had hurried back to the safety of the North and abandoned the nigras to their punishment.

They told each other about the conditions under which Northern laborers worked. From dawn to sunset in unventilated, ill-lighted, crowded, and dirty factories, behind locked doors, gates, and bars, with only a scant hour of daylight for rest and the eating of two meals. At night they returned to rooms in filthy, congested sections of cities where poverty, disease, and vice awaited them. Surely, a nigra slave was better off than a Northern worker. . . .

In the midst of turmoil and argument, the county ladies found it wiser to refrain from expressing opinions. The slightest remark could turn a life-long friend into a bitter opponent. Mary Eugenia wavered in her sympathies, though her husband and son were in no doubt. Their pocketbooks were involved and they would not be dictated to, they said; but her own family, who recalled by tale and tradition the suffering of the Welsh in the wars of the old country as well as the new, was not so sure. They owed their comfort and security to the success of the American form of government and they were slow to oppose it. Mary Eugenia always returned from a visit to her mother or Zad as nearly ruffled as she could become. In her heart she was sure that her husband and sons must be right, but for the sake of the Jenkinsees she refrained from a discussion of the subject.

No matter whose politics were right, their methods all were

wrong, she was sure. She hated the continual argument. She hated the ill will the discussions in the barroom engendered. She disliked the noisy debate and the smell of stale tobacco that floated in a heavy cloud across the road from the bar onto her piazza. But, chiefly, she hated the brandy that her husband loved.

For the first few months of 1861 things went fairly well. The number of travelers stopping at the tavern had not been so great that it seriously inconvenienced the family, and their custom had added to the family income. John Surratt was a genial host. Travelers who came to his door were pleased at his genuine interest in their comfort. The Federal officers who stopped for a moment's refreshment accorded him respectful courtesy although they knew that his opinions were not theirs. An increasing number of unknown young men who stopped briefly were tacitly accepted as having casual reasons for their many trips through the tightening lines. These visitors the Squire welcomed and protected from any comment by other guests present at the same time.

In the early years of the war, Federalist and Rebel still could meet on neutral grounds with some semblance of tolerance, but John Surratt realized that sooner or later he must take an open stand. He was being criticized. He was a Federal postmaster, but the mission of the dispatch carriers who stopped at his house with messages for the Confederate consulate in Canada could not be unknown to him. Their presence added to his difficulties in making the tavern pay, the Squire knew, and yet he found it embarrassing to charge for a meal, a glass of ale, or a brandy after they had ridden long and hard in a cause of which he was enamored. The pay checks for which his young friends risked their lives daily were so small, it seemed downright miserly to allow them to pay for their food and lodging. And though his wife did not question his motives, the Squire often saw her watching the hard-riding strangers with a questioning gaze.

Meanwhile the movement of troops increased between Fort Foote, north of Surratt's, and Fort Washington to the south. The site of the latter had been chosen by General Washington, himself the master of three hundred slaves, and its masonry had been designed by L'Enfant about the time he had chosen Jenkins' Hill for the

sight of the Capitol. That this fort should now bristle with guns trained against them was an intolerable evil to the Prince Georgians. And that soldiers from this fort should march into the homes of avowed Confederate sympathizers and haul them off to Old Capitol without a hearing or trial was an infringement of their sacred rights Prince Georgians would not tolerate.

More and more of the young men of the county disappeared from sight, to fight with Robert E. Lee against the Northern army that, like a writhing blue serpent, coiled and uncoiled itself along the roadways and across the fields, swallowing newly planted corn crops, crushing the tender young tobacco leaves into the ground. It gorged itself on the fruits of the Prince Georgians' labor and consumed in its insatiable progress the contents of pig pen and poultry yard.

Still Nothey could pay nothing on his note, and the mortgage on Surratt's Villa remained unreduced. Knowing that the difficulties under which Nothey labored were as far from solution as his own, John Surratt allowed the debt to ride from month to month. He was compelled to follow the same course with the Calvert-held mortgage. Like himself, his creditors were tolerant of a situation that must end any day. The war could not last more than a few months at the most; the plantations of Maryland could survive anything that might be imposed upon them. This was only a temporary embarrassment. So said the Calverts, the Surratts, and the Notheys.

John Surratt was spared the knowledge of his error. He lived only until the victory of the first Manassas assured him of the immediate success of the Southern cause. With his last brandy-rich breath declaiming this conviction, he toppled over in his chair on the store porch, died, and was buried in the little Piscataway Churchyard in the summer of 1862.

With the death of her husband, Mary Surratt saw before her a future devoid of hope. For twenty-five years her thoughts had turned first to John Surratt and, after him, to their children. Now he was gone. In all the chaotic world that now was crumbling beneath her feet there was left no stable thing to cling to, no sure and certain place, no one on whom she might depend. All her competence, all her skillful management, all her tranquil acceptance of each day

had been because John Surratt was there. Now he was gone and never again would she face the world as confidently as before. She was executrix of his will, with the responsibility of managing his property, the store, the tavern, the plantation. She found the store a maze of complexities, the store books a bewildering puzzle. The post office she could manage, but with Notte, the bartender, at hand it was unnecessary. She could not have entered the barroom under any circumstances, so Notte continued in his place.

Under normal conditions the management of the plantation would have been simple, for her every waking moment had in some way been devoted to its welfare. Now no crops were possible. The wide fields had been crossed and recrossed by thousands of hob-nailed feet until they were beaten into a surface hard as a parade ground. Her acres were littered with the refuse of a hundred campfires, her servants were unruly and contumacious, instinctively sensing her uncertainty and taking full advantage of it.

It was with a feeling of unalloyed relief that she greeted her son's return from college. Zad Jenkins had spoken to his friends in Washington and the postmastership vacated by John Harrison Surratt's death was entrusted to his son, in spite of his youth. And so Little Johnny had interrupted his studies to take his father's place in the life of the county.

But if Mary Eugenia had hoped for relief of her burden, she was destined to be disappointed, for Johnny returned as the campaign for the crucial elections of 1862 was getting under way. He plunged into politics as eagerly as his father, though he was less outspoken in his views.

The election of Administration candidates would keep Maryland in the Union, and Washington spared no effort to achieve this end. Speakers who canvassed the county, making impromptu speeches to all who would listen, in variably sought out Zad Jenkins for help. Their first stop was always the post office at Surratt's.

"Uncle Zad an' one-two others'll be here for dinner." Little Johnny poked his nose into the dining room where his mother was sorting the worn napkins in her dresser preparatory to laying the table for dinner.

"Who are they, d'you know?" She hoped they were not politicians

again, and that they would not argue like the ones who had stopped in with Zad on their way to Marlboro.

"Someone from Washin'ton. One of them's Captain Wood, the warden at the Old Capitol, I heard John Notte say."

"Wood? Captain Wood? What's he here for? Not for any more Prince Georgians, I hope."

"No, I don't think so. Just trying to 'lect Mr. Harris t' the Assembly. Certainly hope none o' the Whartons see him 'round."

"He's a poor one t' send out here, seems to me, with all the county people they've got up there in th' Old Capitol. If it's votes he wants, the best way to get 'em, would be t' release some of the voters he's got locked up, I should think."

She reflected for a moment about poor Mrs. Wharton whose son had been a state prisoner in the Old Capitol. He had been shot to death by the guard just for looking out of the window. Why should anyone in Prince George's listen to anyone connected with the Old Capitol, she wondered.

Captain Wood stayed only a short time, but he returned the night before election and brought a band with him. They drove out from Washington in carriages, playing at crossroads as they traveled along, accompanied by impassioned speakers who harangued for the Administration and the election of its candidates. Among the musicians was a slow-moving Washington boy, David Herold. Later, at the trial, he was remembered by prosecution witnesses as "having a smile all-a-time on his face." The band stayed overnight at the Surratt place and next day went to Marlboro, the county seat, to play at the polls.

That was the first time the Surratts saw the moronic David. Mary Eugenia saw him once more a year later, when she drove with Lou Weichman to church at Piscataway. These two meetings were her only contact with the boy until the morning of May 10, 1865.

Election Day was bright and warm. By early morning the roads of Prince George's were stirred into dust by the wheels of rattling buggies and carriages on the way to Marlboro. It was an exciting day for the Surratts, though it was not until the next morning that the women learned that Zad Jenkins had been arrested for disturbing the peace. Anna didn't see why Uncle Zad couldn't keep his

temper once in a while and said so. It was bad enough for him to be always running around with Yankee politicians without his embarrassing the family publicly. Politics, thought Anna, was certainly something that no lady should hear about. But how could she help it when she had an uncle like hers?

Her mother agreed with her. There was nothing about politics that one could understand. Uncle Zad had always supported the Administration candidates and now he was arrested by an Administration marshal.

Zad had had a disagreement at the polls with Dorley V. Robey, whose son, Andrew, was a deputy United States Marshal for the day. Robey advanced the opinion that the emancipation of the slaves was a fine thing and—owning none himself—should be effected at once. Voters around him took exception, Zad Jenkins somewhat louder than the rest.

It was not accordin' to the Constitushun, he roared to make himself heard above the racket. The Constitushun said no man could be deprived of his propuhty 'thout propuh recompense. Lincoln's talk about three hundred dollars wa'nt proper recompense fo' a thousand dollar field-han'. He was all for the Gov'mint, but he drew the line at emancipation of the slaves for three hundred dollars a head.

The Gov'mint could do anything it liked, shouted Robey. It c'd take a man's slaves, or his house or his hosses, or anything it needed for the war. The Gov'mint could take anything at all.

Zad would have no part of any such Gov-mint—that's uncon-st'tushunal, an' any administration, this one, or any other that did any sich things was a thievin', lyin' group o' men that had no place in office. He'd have nothin' t' do with any of 'em.

This was interpreted as a slur upon Robey's son, now representing the Administration at the polls. Mr. Robey, moreover, had fancied the postmastership of Surratt's for himself when the Squire died, before Zad had obtained it for Little Johnny. Zad's blanket condemnation was a heaven-sent opportunity. At his father's suggestion, Andrew Robey arrested Zad and transported him to the jailhouse before Zad's pen could touch an election ballot.

Cap'n Wood had got him out quickly enough, Little Johnny re-

ported home, but too late for Zad to vote. Uncle Zad had vowed he'd fix that Robey one o' these days.

Mary Eugenia was sickened at the story. Her brother street-brawling. Politics again. When would this war end? Until it did, nothing could ever be right for anyone. She wished she might never again hear of politics, but for the next two months she heard little else.

After his release from jail, Zad brought suit against Andrew Robey for false imprisonment. Dorley V. had retaliated by reporting him to General Lew Wallace, Military Commandant of the area, with headquarters in Baltimore. Still not content, he circulated a petition to have Johnny removed as postmaster. Andrew wanted the post office badly and had friends who would help him. If Johnny lost the position, the Surratts would be in dire financial straits, Mary Eugenia knew. It provided the only absolutely certain income they had.

Spring of 1863 found the business of the county at a standstill. The freeing of the slaves in January paralyzed agriculture. Throughout the state, the hands had decamped in droves, leaving fields and homes behind. The few who stayed were employed by the Union Quartermaster at wages three times and more above what the bankrupt planters could pay.

Affairs at the tavern grew daily more involved. Each month brought deeper animosities, greater distrust, and more active intolerance into the county. With every new name added to the Robey petition, the tavern trade fell off. Federal officers still frequented the tavern, but only its convenience to themselves kept them from suspending its operation inside their line of forts.

Occasionally they brought their families to spend the night rather than waste precious time, they said, traveling back and forth to Washington on short leaves of absence. But few of the women were wives. The gaily clad females, painted and powdered, gave Mary Eugenia her first shocking contact with a world of which she had vaguely heard but which had never before touched her. At first, she had shown the unwelcome guests to a room and then retired to her own, to sit trembling with helpless fury at this new outrage. Soon she learned to think quickly and to know at once when her few

rooms were occupied and when to welcome the guests that stopped at her door.

Still came the quiet young men by night. Mary Eugenia found their presence a source of uneasiness. It was difficult to remain indifferent when she knew that the stranger in the upstairs room waited only for nightfall to slip down the hall, dine frugally, and gallop away under protection of the dark. She had never been told that these were Confederate dispatch couriers, but there was a piercing alertness under their drooping lids that belied the indolent carriage of these gentlemen.

Soldiers came in squads. At all hours of the day and night they haunted the house, camping on the piazza and the shady yard, or sleeping under the ancient trees that might have once sheltered Indians on the warpath. Anna was forbidden to appear when the rooms were crowded with soldiery of doubtful manners and vocabulary. But she had little wish to cultivate such Yankee sticks, she said snappily. She consoled herself for her enforced absence from society with spiteful comments that convulsed Johnny and brought an occasional smile to the lips of her mother.

By the summer of 1863 the number of camp followers in the vicinity of Surratt's and its near-by forts had increased alarmingly, and their appearance and behavior had deteriorated as the number of troops supporting them increased. Mary Eugenia's problem now became acute. She worried daily over Little Johnny, his home overrun with soldiers and the neighborhood filled with tarnished fancy-women. A daughter she could guard and protect. A son she could not shield.

Day followed day and each added to her burden. Soldiers ravished her pantry shelves and lamented the emptiness of the decanters that stood on her dining room dresser. At the back door of the tavern thronged the homeless Negroes, who crowded every northbound road. At night came the secretive couriers, and their presence could not be kept a secret long. They paused for a hasty meal, sometimes an hour's rest, and were again on their way north or south, horse and man refreshed.

Food. Every soul who came to her door came for the food which it daily grew harder to provide. Gardens choked with weeds, with

the black hands that had tended them gone. The young chickens, the turkeys and ducklings that the pretty Cindy had protected from marauding foxes, from the swooping hawk, had disappeared into grasping hands protruding from blue coatsleeves. Cindy was no longer there. Both Cindy and the poultry had gone with the blue-coats.

Of all her visitors, only the stealthy night riders offered her money for the food she gave. And it was they whom she would most willingly have fed for nothing. They were only boys, most of them, boys like her Isaac, sharing the same dangers, speaking the same familiar tongue. And they could consume the same vast quantities of food that Johnny and Isaac had done away with in the old days. The Negroes were fed at her door as a matter of course.

Late in the fall of 1863, a fall without a harvest for the Surratts, George Calvert, executor of his father's estate, began to press Mary Eugenia for settlement of the debt. He was apologetic but insistent. He was being hounded by the other heirs, he explained, all of whom needed their share of money from the estate. To Mary Eugenia, descended from a line of landed people, the indebtedness on her children's estate was an omnipresent worry. If only John Nothey could find some way to pay for the land he had bought so many years ago, if he could at least pay the interest on his debt, George Calvert would be content. It was such a little bit of money. But how could John Nothey meet his obligations if the more prosperous Surratts were themselves on the verge of bankruptcy?

And then one morning toward the end of November, while Mary Eugenia was cutting into the last ham in the smokehouse to feed the hungry crew in her front yard, she received word that Little Johnny was no longer the postmaster of Surratt's. He had been removed in favor of Andrew Robey. Now the income would go to him.

For days, Mary Eugenia wearied the throne of Heaven for help and wisdom. Even though her mind knew what had to be done, her heart refused to accept it as a solution. It was hard to give up her home, hard to leave Surratt's Villa, but there was no way she could save it. She must take her family to a humbler shelter, where

she could keep them together under her roof, safe from the invaders of Surrattsville.

There was only one thing that was hers—the house in Washington.

In the spring of 1864, the tavern and plantation were leased to a disgracefully retired Washington policeman named John M. Lloyd. The villa, the store, the six hundred acres of land, and what stock was left brought a rental of fifty dollars a month. The lease money could be applied to the Calvert debt and the family would get along on what money Little Johnny could earn, Mary Eugenia decided. Besides, the house at 541 H Street was a big one and Washington was overcrowded with strangers seeking accommodations. It would be easy to rent a room or two. Lou Weichman, who was working as a clerk in the War Department, had already expressed a desire to move in with them.

By September, the corpulent, heavy-drinking Lloyd had taken over the plantation. Almost daily a wagon loaded with the treasures of the family rumbled into the city. On the last day of the month, in a decrepit buggy borrowed from Uncle Zad and pulled by Zad's ancient nags, Anna, Johnny, and Mary Eugenia followed their possessions to the capital. It was an uncomfortable, uneventful ride of two hours. As the buggy entered Washington over the Navy Yard bridge, they were greeted by a convoy of pickaninnies and dogs, the dogs howling, the pickaninnies droning:

*"Ole massa rebel, look lak de debil
Ole massa rebel, look lak de debil
Look lak de debil, sho'. . ."*

It was an inauspicious beginning for their new life.

IV. *The Boardinghouse*

WASHINGTON WAS A NIGHTMARE to Mary Eugenia. For twenty-four years, when her duties permitted, she had cherished the memory of the dirty, ungainly Southern city in which she had been married. It had been half a city, half a plan even then, with great undeveloped areas of land in its heart, with streets unpaved except for the few hundred yards of cobblestones before a major Government building or famous hotel. The water system consisted of no more than a pump on the street corner and the sewage system lay along the surface of the rutted roads. Shallow, uncovered gutters carried the refuse of the kitchen into the ineffable cesspool of Tiber Creek, from which it eventually filtered into the Potomac, a menace to health, an offense to the nostrils of the population. As the buggy passed the dreaded Old Capitol at First and A Streets and jogged up toward 7th and H, Mary Eugenia was astounded at how much the city had changed physically since her time. There were bars on corners where private residences had been, hotels and boardinghouses elbowed each other along the street, horsedrawn streetcars had replaced the decrepit omnibuses in which the Surratt ladies had never ridden. The corner pumps had disappeared and a makeshift city-wide plumbing system brought the water of Great Falls directly into the homes of well-to-do citizens. But the great change in the city was not physical, but human.

Where one had lived before, when Martin Van Buren was President, a hundred crowded the streets and houses and public places. They were whites from the North and blacks from the South and they had made of Washington a mongrel city, neither one nor the other, combining the worst of both. It was the difference in the people that Mary Eugenia sensed first. Where gentlemen had doffed

their hats to her when she was a bride, she met nothing but indifference or malevolence in the eyes of the white trash on the streets. Their seedy grandeur, the paint-cracked buggy, the old nags plodding along at Johnny's direction were a sign of the time, and the loungers had seen many such buggies pass that way before. The adults smiled derisively as they passed, but the pickanninies sang. They had so many new songs, strange and cruel to Mary Eugenia. She could hear snatches as Johnny whipped up the tired horses.

"Dere goes de ay-lite

Dere goes de ay-lite . . . yah, yah, yah"

She was unhappy from her first day in the city to her last.

The mental and physical strain of the past years, climaxed by a difficult adjustment to an entirely different mode of living, left her almost sphynxlike in her reactions. Daily she built her defenses against the life she hated, retiring more and more into an inner reserve of spirit. She spent most of her waking time in her easy chair near the front window. Here with her mending basket on the sill before her, her hands folded in her lap, she dozed like a woman twice her age, passively rebelling against the dark, dreary house, with its narrow halls and tiny rooms and the small green handkerchief of a yard that separated it from the alley in the rear.

It seemed strange to her that her country-bred children could revel so in the life of the city. Anna was prejudiced in favor of the Town House, as she called it, as soon as she learned that 7th Street was an excellent address. It was sufficiently far from the seat of Government to be purely residential, yet close enough to shops and theaters. Not far away was the great Church of the Ascension; at 6th and the Avenue stood the New National Hotel where the young matinee idol, Wilkes Booth, was living. On F Street, between 9th and 10th, was Gonzaga College, where both Isaac and Johnny had studied under Father J. F. Wiget. The Catholic Orphan Asylum, better known at Sister Lucy's School, was within easy walking distance. Miss Anna Ward, an old friend of the family, lived at the school, and almost as near dwelt the kindly Father Walter, the priest at St. Patrick's. It would never be necessary for Anna to remain cooped in her room again. Within a stone's throw of the house was all she

would need for her social or religious life. Mary Eugenia was pleased for the girl's sake when Honora Fitzpatrick came to lodge with them. She was a dull girl, an orphan, but her presence in the first lonely chilling days in the new house was a pleasant distraction. And when Lou Weichman moved in, two problems were solved at once. John had companionship and Mary Eugenia could put Lou's thirty-five dollars a month to excellent use. On the first of November he and John resumed the association begun at St. Mary's School seven years before. They would share the back room on the second floor.

Lou was a successful young man now. His new position with the Commissary General of Prisons paid him the excellent salary of eighty dollars a month the year around. He was much impressed with his work, through which he knew more than a little about conditions in the South, disclosed by government records of Southern soldiers held in Northern prisons. He had become a good talker and his nimble tongue could leap from one topic to another with a facility that John found astounding when he remembered the shy, timid youngster of their first school days.

For the younger Surratts, November and December of 1864 passed quickly. As Christmas drew near, their plans for their first holiday away from home were necessarily simple. If Mary Eugenia thought of past years when the Yule log had burned on the tavern hearth and festivities had far outlasted the New Year, she said nothing. With apparent enthusiasm she entered into the children's discussions and hopes for the holiday time. Lou decided to spend the season in Washington with them after slight persuasion, instead of going up north to Philadelphia.

On the evening of December 23, Johnny went downtown to help Lou finish his shopping. They were turning the corner at the New National Hotel, when they heard a shout behind them. "Mr. Surratt—Surratt, oh, Mr. Surratt!"

Johnny turned. Hurrying up to him, hand outstretched, was Dr. Samuel Mudd of Bryantown, whom he had known slightly when Anna was in school there.

"We were just speaking of you, Mr. Surratt," the doctor said. "Mr. Booth, here"—he nodded toward the young man at his side—"Mr.

Booth was anxious to meet you." Johnny and Lou eyed the actor, whom they recognized at once from his pictures in the front windows of every stationer's store in town. He had been anxious, said Mr. Booth, to meet Mr. Surratt because he was interested in buying land out in Prince George's County and Dr. Mudd had told him that Mr. Surratt knew more about the locations of property and their accessibility to passable roads than anyone else in Washington. As a former postmaster, Mr. Surratt was undoubtedly familiar with all the land that might be for sale. Mr. Booth hoped that Mr. Surratt would be kind enough to assist him with the matters he wished to investigate. Would the gentlemen honor him by coming up to his room in the National Hotel where they might discuss over a drink and cigars the matter in which he was interested? It was land Booth said he was interested in, but his conversation that night betrayed a passion for the Confederacy.

In the winter of 1864, Wilkes Booth was twenty-six years old, at the height of his meteoric career. Under the inspiration of brandy he could offer such lip service to the South as could be heard nowhere else in Washington, perhaps nowhere in the South since Southern men were occupied with more practical aspects of their devotion. To Wilkes the Confederacy was Juliet to his Romeo, and his honey-sweet tongue lauded her beauty and her virtue. While other men fought and died on battlefields or met a mute inglorious death in prison, Wilkes defended the Cause boldly from the safety of the brass rail and the security of the backdrops. In the comfortable rooms of the National Hotel his valor knew no bounds. Encouraged by the open-mouthed admiration of his two young listeners, Booth's fancy sped on brilliant wings to such deeds as Lou and Johnny could only gape at. Tales of his debut in the old Richmond theater left them spellbound. His half-laughing recollections of the time he had been a member of the Richmond Grays and had published widely his intention to aid in the hanging and shooting of every Abolitionist who might by his presence profane the soil of the Old Dominion evoked from them the same admiration they had offered their grandparents when told of their struggles against the Indians or the British in 1814. No audience ever gave Booth greater applause than did the twenty-one year olds, reared in the

dull reserve of divinity schools, plunged suddenly into the excitement of wartime Washington. A roar of laughter greeted the actor's recital of the time in New York when he had knocked his mock opponent into the orchestra, carried away by his own portrayal of Richard III. Judiciously, he omitted the caustic phrases with which the dramatic critics had met the accomplishment. In Richmond, his fervor for the South had compelled him, Booth recited, to abandon his career and accompany the Richmond Grays to Harpers Ferry, where they arrived just in time for the execution of John Brown.

Johnny was completely carried away. He could scarcely wait to tell his mother and Anna about his new friend.

The lack of enthusiasm with which his mother received his story of the meeting annoyed him. But then he recalled that, after all, his mother was only a country lady who spent her days as ladies should, in the management of servants, meals, and household duties. She couldn't be expected to see things as he did . . . as any man saw them. Ma was old-fashioned. She'd never had a chance to go about the way a young gentleman could, and so she'd never met the interesting people that he knew in Washington. Ma didn't understand how times had changed, she didn't know a thing about politics, she didn't know that actors could be gentlemen. The way she had hesitated about Mr. Booth was almost funny. My word—hesitate about receiving Wilkes Booth when half the world was crazy about him and the whole town courted his favor. . . .

But in spite of Mary Eugenia's first hesitancy, the accomplished and popular Booth called frequently at the Surratt home, where he found the welcome that his friendliness and his generosity with theater tickets deserved. His friendship with Little Johnny deepened. They attended the theater together and had drinks and oysters afterward at Klomans. When Johnny was in town, they met several times each week. On Johnny's return from the country—the farm, he said—Booth was the first he sought out.

Little Johnny's absences were growing more and more frequent. His mother wondered what he could find at the farm that demanded so much attention, but she raised no objections and asked no questions. Her son was better off in the country, she decided, than with the gay set he was so intimate with in town. He was a

young gentleman now; he had attained his majority, and during Isaac's continued absence in Mexico was the head of the family. If ever she thought that his increasing absences from his home or his sudden attachment to Mr. Booth were because of his duties with the young riders that passed so silently and swiftly along the highways between Richmond and the North, she gave no hint of it.

On January 3, 1865, Johnny called on his Prince George's neighbor, Justice John Pyles, to notarize a deed conveying to his mother his share of his father's estate. This interest he itemized as his share in the Surrattsville house and lands, the Washington property, the business lot in the town of Surratt's, the land bought from David Barry, and that sold to John Marshall, still unpaid for. In return for this interest he accepted his mother's maternal love and care and a thousand dollars in cash. The latter, unfortunately, was destined to remain only a legal formality. He was going away, Johnny explained to Justice Pyles, before the Yankees caught him in their draft. He would stay in Washington for a while and then come back home for a while, but this deed would make it easier for his mother to handle the affairs of the estate when he was gone.

On the first day of February, Mr. John Holohan, a clerk in the War Department, his wife, and two children came to lodge with Mrs. Surratt. The Holohans, connected with the family through a Jenkins marriage, took the two vacant rooms on the second floor, in front of the one occupied by John and Lou. It was fun having guests again and a full table at mealtime, said Anna.

Once again pleasant family groups met in the front parlor of evenings. The new crystal lamps were lighted and Anna played the piano, accompanied by the deep voices of Lou and John and Honora Fitzpatrick's shrill soprano. Sometimes Mr. Booth dropped in and turned the pages of "All's Quiet Along the Potomac" or some other popular song of the day which Anna could render with better-than-mediocre skill.

His gallantry made Anna's cheeks flame and her heart beat against her stays until she could scarcely hear a note above its pounding. Mary Eugenia presided at the euchre board while Honora sat back in her corner, dumb with ecstasy over Wilkes' glamorous presence, her feet twisted together under her hoops and her fingers

tightly interlaced. Honora could never find anything to do with her hands when Mr. Booth was in the parlor.

Frequently one of John's school friends met him on the street or made a point of calling when passing through the city. Without fail, they were invited home to dinner. But rare were the strangers, overnight guests, attracted by the neat card in the window. The small room on the third floor was still without a permanent occupant, and it was available for transient visitors.

The evenings were long for Mary Eugenia, who could not see to read or sew by night. Few callers came for her. The weariness that came from climbing stairs, from walking round the corner to Mr. Hinslow's grocery store, the depression that overcame her whenever her hands and mind were not employed made her dull. She had been cheerful in her youth, when all of her time had been absorbed by the demands of her land and her growing children. Now there was nothing she could do or plan for any of them. She felt alone and insulated by her cares from her gay young family circle.

Despairing of obtaining their money, the Calverts had obtained judgments against the tavern and the plantation, and she had no money with which to buy them off. Unless John Lloyd's lease money was applied to the debt month by month, the property would be lost forever. If anything happened, if John Lloyd could not meet his indebtedness. . . . There was no end to the circle of debt and not a dollar to fall back on. All she had was in the purse in her pocket—and the Town House, free of debt, praise God.

A clerkship for Little Johnny, she thought, would have made matters much easier, but he had had employment only once in town, a week's work with the Adams Express Company. Prices were shooting skyward again, and with food so dreadfully costly any additional income would represent the difference between full and half-empty stomachs. She had a mind, she said one day, to advertise her rooms more widely, in the *Washington Star*, and perhaps rent the third-floor room once and for all.

It was about a week later that Mary Eugenia returned from a futile visit to John Nothey, hoping to get from him the money he owed. Anna met her in the hallway and informed her there was a stranger waiting to see her in the parlor.

The visitor rose awkwardly to his feet when she entered the room, his work-worn hands turning his stiff hat round and round by its brim, an empty half-smile on his blank red face. His clothing was clean but unkempt, his manner uncouth, and his German accent almost unintelligible to ears accustomed only to the slow drawling speech of the South.

He had come, the man said, because he had seen her card in the window, and he needed board and room. His home was in Port Tobacco and he would be in Washington only a day or two. His name was Atzerodt, but everyone called him plain Port Tobacco, he smirked; it was easier to remember. Mary Eugenia hesitated in spite of her financial need. He was not a desirable lodger, from his looks and manner, but she hesitated for only a moment. She remembered the cost of the carriage for her trip that day. She could scarcely refuse an opportunity to rent the little room on the third floor. He would remain such a short time. She agreed to let him stay.

Next morning Jinny came downstairs with an empty corn-liquor bottle in each hand. Her mistress surveyed the bottles thoughtfully, stood a moment in the hall recalling Port Tobacco's silly smile, his thick tongue, and his loud talk of the night before. She had seen enough of liquor and its results for her to want no more of it about her. When Johnny returned that night, she told him that as head of the house he must inform Port Tobacco he could stay there no longer. John protested, assured her it would never happen again, and reluctantly did as she requested. He and Lou helped Port Tobacco move his things to a room in the Herndon House.

Johnny and Lou were back from the Herndon House a little after six that evening. Wilkes Booth came half an hour later. As the young men left for the theater and oysters afterward, Mary Eugenia could hear them discussing Port Tobacco. His mother would not hear of his staying, Johnny said. They were almost through the door, too far away for Mary Eugenia to be sure, but she thought that Mr. Booth said: "Too bad. . . ."

By January 1865, the North's warlike fervor had dwindled to an

impatient longing for the return of peace, and the strength of the South ebbed to an inevitable end. Down in Richmond a straggling gray line held Fort Harrison on desperation and a few black-eyed peas a day. Southern soldiers now were schoolboys who had left their homes and classes to follow their fathers, to die as they had at New Market, the Crater, or Appomattox. Dying had been none the easier because the stomach was empty to the point of starvation. Their pangs of hunger had been aggravated by the sight, only a few hundred yards beyond them, of their former slaves in new blue uniforms, slowly walking the Yankee picket line, well fed, well pleased with themselves and the world. Barefooted, hatless, coatless against the chilling nights, shivering with cold, weak from starvation and dysentery, the Confederates watched the black Yankee pickets and waited for news from Canada.

Any day now, thought the gray line, news will come. England will come. Her weavers are starving without our cotton. Old England never rushes into anything. Soon now, there will be Canadian troops to reinforce ours, but before that, there will be Canadian ammunition, Canadian clothing, Canadian food. Most of all there will be Canadian food. If we hold out only a little longer there will be news any day.

By night couriers with messages for Canada and England, relayed by friends of the Confederacy in northern cities, sped from Richmond, through the friendly streets of Bowling Green. They turned right at the crossroads, avoiding the congested Richmond Pike, and reached the relatively untraveled road to Port Royal, then on by ferry across the river to Port Tobacco, through Beantown, Surratt's, into Washington and then due north. This was the great Confederate underground mail route to the North and along it went not only mail but passengers and light freight. Along it went spies of the North as well as couriers of the South, and those who bartered their information to the side that offered the greater reward.

Along the way were homes in which weary men were provided with food and encouragement and sent along to the next post. But the southbound couriers were not heartened. They realized the emptiness of the promises they risked their lives to bring. What assistance was there in the soft words Canadian diplomats had given

the persistent Clement C. Clay, if they were unattended by the evidence of deeds?

Among these returning couriers was Johnny Surratt. He stopped at the tavern for a night as so many couriers had stopped before him. At the tavern, at the Surratt's Villa of his childhood, he could think over the things that Booth had said and the scatter-brained schemes he had suggested. As Booth told them, the schemes seemed plausible enough, full of promise and certain of accomplishment. Away from the actor's persuasive presence, his plans became so hair-raising that Little Johnny wondered if he could have been in his right mind even to listen to them.

To capture a President would be a great stroke, indeed. The great, magnanimous President of this poor *e-busted-up unum* captured in his own capital! If abducting their own President right out from under their long blue noses wouldn't show the Yanks, what would? They would see then, themselves, what the rest of the world knew, that one Southerner was worth a thousand Yanks, more than a thousand when their army couldn't even keep their President in their own hands.

His second inauguration held up . . . the Cabinet tearing its hair and calling for their leader's release . . . and the Southern heroes would have long, lanky Abe fastened in ropes or chains, oh, gently, of course, no one wanted to hurt the white-trash . . . just teach him to attend to his own business and let Southern gentlemen attend to theirs.

After they had made their bargain with the frantic North, after all the Confederate prisoners held in Northern prisons were exchanged for just one Northerner, the South would have an advantage of which she had never dreamed. Her army would have new life with the released soldiers. With the entire world laughing at the plight of the North and its stupidity in letting such a thing happen, all Europe would lend a hand to the gallant Confederates who had so easily outwitted the Northern government. It was a glorious plan all right, the twenty-one year old boy agreed. There was, as Booth himself said, a great deal to be gained and little to lose. The difficulty of course, was capturing the man. But that, according to Booth, was arranged. All they had to do was find a suitable date be-

fore the inauguration and set things in motion. There would be assistance from persons never dreamed of, whose names not even Booth dared breathe. There were thirty-five of them in all, some high up in Federal circles, who would expedite the escape with physical and financial aid.

For the actual capture, Booth had gathered a group of friends who were eager to participate in a deed that would flash around the world and serve the South in a way so unique that no one could dream of it until it was an accomplished fact. Mike O'Laughlin and Sam Arnold were two of them. They had been schoolmates of Booth and they had played together from childhood in Bel Air, Maryland. Atzerodt was a stupid hulk but he was skillful with tools and would keep still when told to do so. He had a big boat with three sets of oars that could carry a dozen men across the Potomac to Virginia. Once south of the Potomac in Virginia, the rest was easy.

Even the house in which the captive would be kept had been especially built. It was hidden in a pocket of land reaching back from the river, inaccessible except by water and shielded by hills on either side where no roadways traversed the dense woods and underbrush. Booth had questioned more Prince Georgians than just Johnny Surratt and he had found a perfect site for his plans.

There had been no difficulty in getting the land. Mr. William Henry Fitzhugh, a Stafford County attorney, had asked few questions of the stranger who wanted a place suitable for a hunting and fishing hut. The land had been paid for in gold, which alone assured the respectful reticence of the adjoining landowners. Purchasers were scarce, gold was scarcer. The combination of the two awed the casual questioner. Only once had a neighbor stopped to watch the men working on the strange-looking building. His comments were received in such surly silence that he had never again intruded. The house, itself, seemed of no use to anyone—heavily timbered, two stories, with no steps to the second floor, and its only window looking out upon the river.

A strong rope would be necessary to hoist a tall, bound man to the second floor. It had been obtained from Ford's Theater, where Booth's admirer, Ed Spangler, was a stagehand. A spyglass to watch the woods and river for loiterers was an easily supplied need. Booth

had an excellent spyglass and would see it was sent to where it was needed. A little food, but not much, for they would not keep the captive long. They would turn the man loose upon the river bank as soon as the exchange arrangements were completed, and he could make his way alone to a fisherman's hut or attract attention by calling.

How simple and easy it would be. . . .

There had been some question whether to discuss it with the Southern officials. Sam and Mike thought it was important but Booth was dead set against it. Most Southern officials were too old and conservative, he said, to see the value of staking everything on one bold move. Others had had the same plan; some of them had mentioned it to President Davis and each time had been scornfully rebuffed. General Lee had threatened to court-martial one of his own men for the same idea.

Even Northerners had thought it such a good idea that they had tried to turn it against the South. Northern clergymen had offered to kidnap Jeff Davis if his capture would end the war. They had received a little encouragement from Secretary Stanton, but his trusted adviser, Captain Billy Wood, had said it was impractical.

The success of the enterprise lay not with the Northern men who secretly wished the President out of their way, nor with the Southern government which would profit by the abduction. Success lay with a handful of Southern gentlemen who were willing to risk their lives on the word of a Booth. O'Laughlin, Arnold, Spangler, the stupid Atzerodt, elevated into good company temporarily, and the simple Davie Herold, whose hero worship Booth so willingly exploited. These would rock the world.

Two other men were essential. One must be fearless, strong, and big enough to handle a six-foot backwoodsman if he should struggle. The other must be a courier, well-bred and pleasant so that his messages from South to North and back again would be received with attention and respect.

The young giant had been found. He was Lewis Payne, an ex-Confederate soldier whom Booth had found on the streets of Baltimore, homeless and penniless and sufficiently desperate to be amenable to any suggestion. Fed, clothed, and housed, he had be-

come Booth's willing vassal. He had seen death on the battlefield. To him nothing was dangerous, nothing formidable, nothing impossible, and nothing repulsive.

And Johnny himself was to be the courier. If he agreed. Despite all his efforts to convince himself of the practicality of the enterprise, John was still at heart uncertain.

He had hesitated at first, imperceptibly he hoped, at Wilkes' suggestion that the actor call on the Surratt family and become acquainted so that they might have a less public meeting place than the National Hotel for the discussion of their project. But Booth had met that half-hesitation before and knew what it meant. Everyone in Maryland had heard of the erratic old immigrant actor, Junius Brutus Booth, whose antics drunken and sober had furnished conversation for all the neighborhood of Bel Air, and whose flock of children, it was whispered, had all been born out of wedlock.

John could not know how deeply that hesitation cut Wilkes Booth, that he had been himself added to the list of persons Booth was determined to dominate in return for the slight. From then on the actor exerted himself to charm not only John's mother but all the deadly dull people he had to meet in her house. The Surratts themselves were kindly, genteel people, but Miss Anna Ward, the Fitzpatrick girl, and Mr. Wallace Kirby, a connection of the Surratts' who called occasionally, were an affliction. Lou Weichman wasn't so bad. He was more sophisticated and was quick to see a personal advantage. Lou himself had admitted he always considered the expediency of his acts before he committed himself.

Booth understood and appreciated that trait, but it did not assure him that in a pinch Lou could be counted on to abide by a bargain. Lou was not to have an active part in their enterprise, Booth and John decided. He could neither ride nor fire a pistol and in that respect was a liability. But he could, and willingly did, furnish copies of the reports that crossed his desk, and Booth made use of them, as did John, who passed on their contents to other persons he met in the service of the South.

Mrs. Surratt had seemed a little distant at first and, while always pleasant, she had not really succumbed to Mr. Booth's charm until after he had called several times. Gradually she accepted the defer-

ence he accorded all women and became genuinely interested in his conversation regarding his own mother and his life as a child in Maryland. She was touched at his story of how he had resigned himself to an inactive part in the war because his mother had extracted from him a solemn promise not to engage in it as a soldier.

But if John's mother had been difficult to win over, his silly little sister had not been. A nice child, Anna, but so pious and so redolent of convent life. She was almost as tiresome as Bessie Hale, the Senator's daughter, his fiancée, more or less, but Bessie had a social position of which Anna was entirely innocent. Bessie's fawning had been annoying until he learned it angered her Yankee father. From then on he paid her open court, as much for the pleasure of her father's discomfort as for the soothing of his own vanity.

There was a different motive behind his cultivation of the Surratts. With the friendship of Anna and her mother assured, Booth felt more certain of John. But the countryman persisted in raising objections. The Atzerodt business, for example. Atzerodt's appearance at the Surratt home had annoyed John, although Booth had felt it would be convenient to have him there. Mrs. Surratt's intolerance had spoiled the plan—after all the trouble Wilkes had taken to coach the stupid German in what he was to say and do.

Still mulling over the plan, John rode slowly homeward. He hoped he might see Augustus Howell in the next day or two. Gus usually managed to pick up items of interest on his trips back and forth through the lines. Sometimes it was a help to compare notes with him.

Gus Howell was a Prince George's boy whom he had known slightly in the country and who now stopped occasionally to spend the night in their new home in Washington. His business, he said, was to carry drafts for the men in the South up to Washington or banks further north where there was gold and where drafts would be honored. Others, less kindly disposed, said Gus was a spy, a dispatch carrier or a blockade runner. It was an agreeable surprise, when John entered his home, to find Lou and Gus conversing in the parlor.

"I've been thinking for some time that I'd better go on down to

Richmond," Lou was saying. "Do you know anything about chances of getting a clerkship down there?"

"Not many jobs down there soft as yours, Lou. Things are sort of pinched, you know, not too much to eat." Gus smiled.

"That won't last long; war's bound to end right soon now, and then everything'll boom. I made up my mind some time ago, to move on down quick as I could. You going across the river any time soon? I might be ready 'bout the time you are, and we could go together."

"Haven't arranged to go back any particular time." Gus was non-committal. Johnny looked up in surprise at his tone. "If you get a chance, you'd better go on without countin' on me. If the war ends that soon, I might not get back down there at all."

Lou was nettled at Gus's indifference. Everyone knew the war wouldn't last much longer, he declared. The South was sure to win just as soon as the exchange of prisoners was effected, for the number now held in Northern prisons was more than 98,000. With that many men returned to the Confederate Army, the South would win in a walk. There'd be some splendid positions for the asking as soon as the rebuilding of business and commerce in the South began. Gus refused to admit that the number was more than 50,000. Lou produced his notes, copied from the records that passed through his hands in his office.

"Well, maybe," Gus conceded. "You might get a job if you could explain why you aren't out fighting. They don't much like men that aren't in the army. Still, if you get a chance you c'd go on an' try."

"Better do that, Lou, and if you get a good one, let me know and I'll come on down and join you." Johnny's tone was light. "I didn't see anything that looked to me like a good job waiting round Richmond."

"I'll let you know, all right; you're so positive I won't find anything. I'll let you know, you can bet on that."

"Well, you've got the cipher—easy enough to tell us all about it." Lou nodded sagely. On his last visit, Gus had taught Lou a code in which to send information. Lou had copied it carefully and preserved it in a dressing case in his trunk.

Mrs. Surratt entered the room at that moment. The subject was

quickly changed. Mary Eugenia sat at the euchre board, listening to their conversation but taking no part in it, her mind preoccupied with Johnny.

She was uneasy about him. His absences from home were becoming more and more frequent, his appearances more and more irregular. He made little explanation of his affairs and welcomed no inquiry into his movements. He made no attempt to obtain another position in town, yet she knew that the small amounts he had made from selling odds and ends on the farm were not enough to keep him in pocket money.

The subject of the Maryland draft kept coming to the fore, and whenever it cropped up, Mary Eugenia insisted that he collect from John Lloyd part of the money due them and pay his exemption fee so that her mind might be at rest about her son.

The subject never failed to anger Johnny, and a short answer would spring to his lips before he could stop it. He was in no danger of serving in the Yankee army, he said, no danger at all. He would go out of the country first. He would go to Canada, or better he would go to Matamoras and find Isaac.

"There's no need, Ma, for you to take on so about the draft. I'm in no danger," he insisted, and his slightly arrogant way was not like her Johnny of a few years before. "Mr. Booth'll be coming in this evening, perhaps; I'd like to ask him to supper."

"Mr. Booth? Again? Well, of course, ask him to supper. But what's he coming again so soon for? He was here a night or two ago."

"Why not? He's just coming to talk over some matters." He was out of the room before she could ask anything further.

It happened so often these days, Mr. Booth's dropping in whenever Johnny was at home. On those evenings he, Johnny, and Lou would go up to the boys' room on the second floor, and the low buzz of their conversation went on unceasingly as long as they were in the house. There was something queer about it. Not queer that Mr. Booth should like her Johnny, but that he and Johnny should have become such close friends in such a few weeks. Probably she was stirring herself up over nothing at all.

But she persisted in her questioning, and a week later Johnny

sulkily explained that he and Mr. Booth had some business plans together. They were going to engage in cotton speculation. Mr. Booth had already made some money from cotton speculations as well as from oil, and a friend of his, an elderly gentleman, had already advanced some money for further investments. When the time was just right, Mr. Booth would turn this money over to Johnny, who would go down to Charleston, where cotton was to be had. Johnny would then run it over the blockade to England. The English mills were paying fabulous prices for cotton. He would make thousands and thousands of dollars. He would return by way of Nassau and would slip over to Matamoras and see if he could find Isaac.

"But, Johnny, you shouldn't try to run the blockade. You've never been on the water. It's too dangerous. I'd be worried sick with you away like that, and me not knowing where you are. I don't think . . ."

"Now, I didn't want t' tell you, Ma. I tried not t' tell you so you wouldn't have a chance to worry, but you just would know. It's too late to carry on about it now. Everything's all arranged. Don't you want t' hear from Isaac?"

Yes, of course, she wanted to hear from Isaac. She wanted almost more than anything she could think of, to hear that Isaac was all right, but . . .

Johnny would have none of her questions. The future was rosy to him. The deal would bring in more money to speculate with; he would buy up oil stocks, maybe, as Mr. Booth was doing. With the profits from that, he would free the tavern from debt. Then they would all go home to Surratt's Villa. In spite of her fears his mother was proud of him, and she reproached herself for doubting him.

Certainly now things were a little better. In a short time everything would be all right. Already Johnny had made a little money from the commissions on drafts that Gus Howell asked him to present when he had more business than he could handle. He had been able to help her a little with the expense of the house. Occasionally he even had money enough to catch up on the grocer's bill that mounted so quickly.

But with all her worries over money, over Johnny, over the war, over the dreary house, the move to the city had one great compen-

sation. She could at least go to church every Sunday. Both mother and daughter reveled in the luxury of attending the beautiful candle-lighted Washington churches with their well-trained choirs, their pews filled with fashionably dressed congregations. They went often to St. Patrick's, where the able Father Walter was pastor, and they listened with admiration to the sermons into which the young priest put so much of his energetic, zealous, and confident personality.

At St. Aloysius, Mary Eugenia had renewed her acquaintance with Father Stonestreet, begun some twenty years before when he had been a frequent caller at her mother-in-law's home in Alexandria. After the humiliations of the recent past it was soothing to be accorded the courtesy of gentlefolk who knew the ways and habits of Maryland county people. Lou went to church with them every Sunday, for he was more regular in attendance than Johnny. Anna found it agreeable to appear under his escort with her dignified mother to chaperone her. She relished the thought that she now had two suitors, a thought she was careful to keep from Johnny. Johnny took his position as head of the house too seriously to please her; she knew well what his reaction would be if he once suspected her dreams of Mr. Booth.

Of course, Mr. Booth had never just exactly *said* anything, but admiration was in every tone of his voice and his smile acknowledged the secret bond between them. The look in his eye when he came into the parlor told her that she was the one he had been longing to see and that his call was hers, although he must, of course, include others in his courtesies.

She knew it was not John he came to see, for he called often when John was away. Always he seemed more devoted when not hampered by her brother's presence. It would be a long time yet before he could declare himself—she had only known him two months—but she was as sure of his feelings as if she had already plighted her troth and he was her acknowledged intended. The war would soon be over and he would no longer have to be nice to the Yankees who ran after him simply because he was a famous actor. Then he would speak to Johnny for her and they would all be happy. She hugged the thought to her heart and went about with a dreamy half-smile that called forth brotherly sneers for her silly mooning.

Even Lou had noticed Mr. Booth's devotion. No matter how much time Mr. Booth spent with Lou, no matter how often he went up to Lou's room for little chats, or how frequently he took him for oysters in John's absence, still Lou sulked whenever Mr. Booth stopped to talk to her for a moment. This sulking had been particularly evident the last evening Mr. Booth had spent with them. He had bent over her to breathe his admiration in her ear as he turned the pages of "Lorena" while she played. She could scarcely sing at all with him so near and so devoted.

Last Christmas Lou gave her a copy of a popular picture, "Morning, Noon, and Night," to remind her, he said, of how often she was in his thoughts. She had been flattered and much pleased and her mother had smiled at her as she placed it on the mantel of the room they shared together. To this bit of gallantry Johnny paid scant attention, but the day he came home unexpectedly and found beside Lou's gift a picture of Wilkes Booth, hell broke loose in the house.

In spite of his youth and his carefully protected years in the Catholic schools, John was now man of the world enough to know that Wilkes Booth was a philanderer of the first magnitude. John had heard whispers of Ella Turner, whom Booth had established on a downtown street and with whom he was enjoying one of the most publicized entanglements of his checkered career. And this in spite of his engagement to the daughter of Senator Hale, with whom he was constantly seen in public. At the sight of the picture so openly displayed, John saw red, and the temper that was so easily unleashed broke forth in a fury.

Mary Eugenia knew, as Anna did not, that back of John's anger at his sister's foolishness lay the fear that the fashionable Mr. Booth might win Anna's affection and not value it. She felt vaguely that something deeper yet underlay her son's anger, but she could not fathom what it might be. Under her skillful handling the fireworks died away with no more damage than Anna's singed feelings and considerable sputtering on the part of Johnny. Anna reluctantly agreed to take the picture down and John promised that if he ever saw it again he would personally tear it to bits and consign it to the flames. The picture disappeared. He never saw it again, although its memory haunted him for a lifetime.

With Anna's infatuation as well as Wilkes' plans on his mind, John was silent and morose. Again his mother mentioned the Maryland draft and the matter of a substitute.

"Indeed it would be just too bad to have two pairs of blue pants in this house," Anna chirped smartly. "Lou's are just about all we can stand without having anyone else around dressed like a Yankee."

Lou's face flushed and he grinned uncertainly. Relations with Anna were strained at the moment and her gibing reference to a family battle in which he had occupied the front line left him a trifle embarrassed.

Some time before, considerable office pressure had been brought to bear on him to join the Washington Militia. Lou had not known how to refuse to enlist and yet retain the position which kept him from having to enter active service. The first evening he had gone out to drill, Anna had met him at the foot of the stairs. He was endeavoring to slip out unseen in his blue uniform. Her shrill cries of derision and her laughter still made his ears burn. Mrs. Holohan and even shy Honora had rallied him about being suddenly turned Yankee. They would now feel perfectly safe, they declared, when the Rebels took the town, for they would have a sure defender in blue guarding the house. To turn the tables, Lou pretended to chase Anna through the hall to show them how she would run when the Yankees found out what a hot-headed little Rebel she was.

"Oh—you don't tell me," she had cried in vexation. To his surprise and perhaps her own, her hand flashed out with a smart smack to his face that brought him up short.

"See how easy it is to stop a Yank?"

They quieted when Mary Eugenia entered the hall. But the incident rankled in Lou's memory.

He had gone so far in so many matters and he could see his way clear in none. If only the war were over, a man could make up his mind, could decide once and for all on a career, on a wife, on a way of life. But there were too many matters that wouldn't wait for the war to end. The clerks in the office expected the war to end any day now and peace, Lou knew, peace before the South could recover her strength, would end his dream of a Southern plantation. His job was secure only as long as no one informed the Government that he

lived with a family of Southern sympathizers. But if anything, Booth's enterprise, for instance, brought him into public notice, he would be in a pinch to explain himself.

At first he had been heartily in favor of the enterprise, only now that so much time had gone by without anything being done, both John and he were doubtful if anything could come of it. If the plan were successful, he would want to be in Richmond or a lot farther South at the earliest possibility. Once in Bishop Magill's house, he could build up an unsullied reputation for Confederate loyalty that would wipe out any record of having been a clerk in the Federal War Department. If the enterprise were successful, if Lincoln were kidnaped, the South would win. He *must* be on the victorious side. Picking the winner was hard, too hard. He must wait a little longer. His whole life must not be handicapped by choosing the wrong side.

But suppose the enterprise failed? Suppose Booth tried and failed? A clammy coldness crept down his spine. He had been too close to the scheme to escape notice. Suppose they were all caught? What then?

He recalled that he had been fool enough to tell Father Rocoffort that he had sent office record copies south under an agreement with the Rebels. He remembered with terror the day he whipped the office into a fury of curiosity with his remark that he could make thirty thousand dollars any day he wanted to—easy as dirt. His fellow clerks seemed to accept his hasty statement that he was just blowing. But the incriminating declaration might have lingered in someone's memory.

From the official records Lou knew that the Confederate prisoners were being sent to Northern prisons in numbers that increased every day. The blockade was invincible. The North might never conquer the South as long as there was a man left to fight, but only a miracle now could make the South the victor. The enterprise might be that miracle, he knew, but Lou had no faith in miracles.

The newspapers hinted at dire plans afoot to kill or kidnap the President before his second inauguration, wrote more and more often of his increasing unpopularity with his own cabinet. Rumors passed from lip to lip and lost nothing in the telling. What do the newspapers know? he brooded. Is the enterprise really known? If only

there were some way to protect himself in any eventuality, some way to insure his future.

He could endure it no longer. In the middle of the morning of February 20, 1865, he rose from his desk, left his reports of prison supplies and requisitions lying untouched before him; with perspiration on his forehead and a suffocating pressure in his throat, he sought out his superior, Captain D. H. L. Gleason, and gasped out that he must talk to him in private.

Once behind the Captain's closed door, Lou rallied long enough to demand a pledge of secrecy before he divulged the awful tale that was weighing him down. The Surratt house, said Lou, was a rendezvous for dangerous rebels. Augustus Howell, the blockade runner, often called there. Once a Mrs. Slater whom he suspected of carrying letters for the Confederate Government had remained there overnight. Even his friend, John Surratt, was probably a Confederate courier. John's running cotton from the South over the lines was simply a blind. He and Wilkes Booth and others meant to kidnap the President and hold him for a compromise. There was to be big money in it. John Surratt had shown him letters about it, but had hidden their signatures so Lou couldn't say who had written them. But there had been letters . . . and there was a plan, an enterprise.

Captain Gleason listened with all the importance of his twenty-four years. As Lou's self-possession returned they discussed the best means to protect the President without divulging Lou's name and secret. He would be immediately shot, Lou swore, if any of that desperate band of plotters even dreamed that he suspected their secret.

With his worries transferred to the shoulders of his captain, Lou returned to his work.

He had twisted the first few strands of the rope that soon would tighten into a noose.

Inauguration Day approached, and with it came no lessening of Lou's concern for his safety. On the evening of March 2, 1865, he answered the doorbell and admitted a very tall, awkward, poorly dressed young man. His name was Wood, the stranger said, and he

was a stranger in the city. Mr. Booth had told him that Mrs. Surratt had rooms to rent and he had called to see her about staying a day or two. Lou invited the stranger to share his room, the only vacancy available at the moment. John was away and Mr. Wood might stay in his place. Mr. Wood rose early next morning and was gone from the house before Lou was awake. The household forgot the incident quickly. More important things were happening in the city.

Saturday, March 4, came and went with no untoward circumstance to mar the inauguration except the tipsiness of Mr. Lincoln's Vice-President. Only the rain had threatened the President as he was again sworn into office. The few sharpshooters stationed on the roofs of the buildings along Pennsylvania Avenue had not been needed. It was rumored that an assassin had stood at the left side of the Capitol ready to fire, but he had lost his courage and had not pulled the trigger. The newspapers made interesting reading of the episode. They had even given a description of the man, but no one thought to explain why he had not been taken into custody.

On March 13, Mr. Wood came again. As he entered the hallway, in the flickering gaslight, Mary Eugenia was uncertain whether she had seen him before. She could no longer trust her failing eyes. It was Anna who recognized him. He gave no indication of having met her before that moment. He was a Baptist minister from Baltimore, he said this time.

The gentleman retired early to the room which Lou again offered to share. John was away again. Mrs. Holohan, who had been studying him from the parlor sofa, commented on his unspiritual appearance. Mary Eugenia wondered why a Baptist minister should seek lodging with a Catholic family rather than with some member of his own church or, at least, in a boardinghouse run by a Protestant family. The war was producing undercurrents of religious animosity which made his deliberate patronage of her house appear strange.

John returned on Wednesday, March 15. It was obvious that he and Mr. Wood had had some previous acquaintance.

"John, who is this Misteh Wood?" Mary Eugenia inquired at the first possible moment. "How'd he happen to come here?"

"He's just a Baptist preacher from Balt'more, he says. He needs

a room jus' for a few days. He didn't tell me how he happened to stop here. Maybe Baptists don't like their preachers staying with them, like Catholics do. Don't you like him?"

"I haven't thought whether I like him or not. Annie says he's the same man that was here a couple of weeks ago and said he was a friend of Mr. Booth's. Is that right?"

"I don't know, Ma. Why don't you ask him?"

With a sigh of resignation, Mary Eugenia dismissed the matter from her mind.

That evening after supper, Johnny and Mr. Wood went down to the Kirkwood House to meet Mr. Booth and his friends. Johnny was convinced that the government knew of their plan to capture the President. The papers had been full of comment and there was undoubtedly another group of persons working with the same end in view. For their own safety, he urged, they should give up the scheme, disband, and those not employed in Washington should scatter to different parts of the country. They had delayed the enterprise so long it was useless to attempt it now.

Booth was furious at the implication that he had delayed the enterprise. He had just heard, he said, that the President would attend a play at Soldiers' Home the next afternoon. Lincoln no longer permitted a guard of soldiers to escort him; and could easily be captured en route to the play. Booth was all for capturing him that very moment. . . .

On the evening of March 16, Lou came home from his office to find Mary Eugenia prostrate. Anna and Honora were rubbing her hands and applying smelling salts to her nose. The attack of hysteria had something to do with John, they said, but what it was they did not know.

Better than anyone in the house Lou knew what cause there had been for worry that day. They were at supper when they heard the loud banging of the front door. The stamping of boots on the stairs and the clatter of spurs up the steps to the second floor announced that Little Johnny was home and in a towering temper. Lou rose hastily from the table, a buttered roll forgotten in his hand as he went up the steps two at a time.

In their room John was tearing off his bespattered riding breeches and the three pairs of woolen underdrawers he had worn beneath them.

"Everything is ruined . . . that insufferable fool . . . all this time and labor lost . . . blast him . . . no hope of ever doing anything now!" Lou munched his roll silently.

"All this time and money . . . only one thing left for me now and that's a clerkship somewhere. Know anywhere I can get one?" John was clambering into fresh garments, throwing the discarded ones in heaps on the floor.

"What went wrong? Why didn't it work?" Lou wanted to know.

John answered in a torrent of furious words. Of course it hadn't worked . . . nothing that Booth planned ever worked out. . . . He spent all his time posing, acting, declaiming what he meant to do, and then, when the time came, he hadn't even taken pains to be sure that the man they wanted would be there. He had stuck their heads in a noose for the sake of that nincompoop, Secretary Chase, riding along in a carriage—as if anybody wanted him! Booth would risk anything for the sake of a gesture, a flamboyant speech, but he hadn't guts enough to do anything but put powder on his face and strut around before a lot of silly schoolgirls who hadn't a grain of sense in their heads. *Par Dieu*, he was through with Wilkes Booth, forever!

John slammed his hairbrush down on the dresser with such force that the lid fell off Lou's toilet box. Out popped a false mustache of black hair.

"*Nom de Dieu*, where'd you get that thing? That's Payne's."

"He left it—left it here," Lou stammered.

"Why on earth didn't you give it to him? He asked for it."

"I took it to the office . . . I forgot to bring it home that night. When Mr. Payne asked for it, I sort of hated to tell him I had carried it to work and left it." He smiled amiably and waved his hand in a vague fashion. After all, it was of no importance.

"Well, keep you' wits about you. Careful what you say. If you blow off any more 'bout how much money you could make if you wanted to, you'll end up in Old Capitol with the rest of the Prince

Geo'gians. An' you'd take us with you, too. An' no more monkey business with mustaches. It's dangerous."

"Indeed, I won't, John, but Payne didn't need it and we had a lot of fun with it." Lou was relieved that he had escaped with no more embarrassing revelations. He returned the mustache to the toilet box and stood looking at it thoughtfully while John stomped down the stairs. After a moment he removed the box to the lower tray of his trunk, turned the key and placed it in his pocket.

April came in on a Saturday, with rain that would hold off the Yankees for a while but that also held up the couriers. Johnny had been ordered to Canada with messages for the Confederate Consulate, whose every effort for Canadian help had been blocked by the imperturbable British officials. As he approached Washington to spend the night before starting North again, he was covered with the splattering red clay of the Virginia roads. Physical fatigue intensified the dismay that hung over his heart. Mr. Davis had said that Richmond would not be evacuated. Richmond would not be abandoned no matter what happened. But if the prisoners could not be released, if Canadian help could not be gained, what then?

As if his gloom had ridden on ahead of him and descended on his family to herald his approach, everyone at the Surratt supper table that night had his own cause for worry. Mary Eugenia was depressed over the usual business and financial complications that grew more involved every day. Anna was still snubbing Lou for the blue pants episode. And Lou was obsessed by the memory of the information he had given Captain Gleason. Why on earth couldn't he have kept still about it? He wished he had waited to see if anything really did happen. There would have been time enough then to tell what he knew, but the best thing would have been to go on home to Philadelphia. If only he had done that instead of putting himself in a mess with his friends and the Government, too. Funny the Secretary of War had not been interested enough to look into the plan. Captain Gleason had said to stay on at the Surratt house for the present. They might need more information.

As the family was leaving the table, Johnny came in, pale with

fatigue, his face drawn and haggard. He brushed off his mother's anxious questions, learned that John Holohan was in his room, and obtained from the boarder sixty dollars in greenbacks for two twenty-dollar gold pieces.

"Greenbacks go farther," Johnny explained as he stuffed the bills in his pocket. Then he and Lou left the house—to take oysters, Johnny said.

On the street, they heard shocking news. Richmond was being evacuated. It was true, a group of gentlemen talking on the corner said. Began yesterday, Sunday morning. Mr. Davis was in church at St. Paul's when the word was brought in that Petersburg had fallen. Evacuation had begun at once. By this time the Yankee troops were all over the Confederate capital. Nigger troops, too. The Cause was lost. The Yankees had won.

The excited groups, the torchlight processions, the shouting and the singing impressed Lou. Down the avenue a few thin and foot-sore gray-clad soldiers being hurried under guard to Old Capitol were hissed as they passed.

"I'll leave you here," John said to Lou as they left the oyster bar and their untasted dishes behind them. "Tell Ma I've gone to call on a friend and I'll go on out of town from there."

Mary Eugenia was waiting in the parlor when Lou came slowly up the steps.

"Where's John? Where's Little Johnny? Isn't he with you?"

Evasively, Lou replied that John had gone on out of town.

"But where? Where's he going? He didn't say he was going anywhere again tonight."

"He didn't say. Just out of town." At the look on her face he added quickly, "Have you heard the news? Richmond has fallen. That means the war is over."

"Thank God—thank God—thank God. I mean, thank God the war is over."

On Wednesday, April 5, she received a brief note from John. He was on his way north on business. There was no explanation of what his business was nor when he might be expected to return.

Little Johnny had spoken the last words he would ever speak to his mother. He had seen her for the last time.

Washington went jibbering mad with joy when news of Lee's surrender was announced. Every house was illuminated, every flag hung out. Gay paper lanterns danced across doors and festooned loyal yards. The streets were filled with laughing, shouting, hatless crowds that evacuated offices, stores, and houses each time a group of soldiers appeared. Bands of whooping citizenry alighted on army ambulances bound on official duties, galloped them up and down the Avenue. Caissons and wagons rumbled madly across the cobblestones, their lumbering antics contributing to the general hilarity. Negroes congregated on the corners dancing and singing. . . .

*"It must be now 'at th' kingdom am a-comin
In the yeah of Jubilee."*

Five thousand drunken men lurched happily along the street or slept in gutters that day, leading an observant Federal officer to ponder publicly over the affinity between alcohol and patriotism. All business was suspended. Citizens roamed the streets all day, always ending each trip in the yard of the White House, where spasmodic assemblies demanded the appearance of the Presidential family. The night had its torchlight procession and its serenades while the victors celebrated the end of the war and the success of their cause. Heavy seige guns fired at intervals day and night, with no regard for the cost of the ammunition for which there was no longer a need.

Peace brought its problems to the Surratts, problems that could not wait for solution. Mary Eugenia had to talk to Mr. Calvert about their joint affairs. This sudden end of the Confederacy would affect everything, she knew, but particularly the tavern. The soldiers would soon be gone. Already they were leaving Washington by the hundreds without the formality of discharge, and she realized what that would do to the tavern income and the amounts carried on its books. The chain of debt that bound the Lloyd-Nothey-Surratt-Calvert affairs together had many weak links and the weakest of all, the war, had snapped.

On Tuesday, April 11, Lou offered to drive her out to the plan-

tation. There would be no difficulty in obtaining leave. It made no difference anyway, since there were no new prison records coming in and no supply records to go out. The war was over.

The trip to the tavern was expensive. Six dollars Pumphreys' Stables charged for a horse and buggy, but in spite of the cost, this business must be attended to. As they came into Uniontown, as Anacostia was now called, Mary Eugenia saw her own old buggy, in disrepair from hard usage over rough roads. Pulling it along was the black saddle horse they had left behind on the farm. On the seat sat rotund John Lloyd beside his sister-in-law, Mrs. Emma Offutt. Lou pulled up with a flourish as the buggies drew alongside.

"Why, 'morning, Mr. Lloyd. You coming into town? We were just going to the tavern."

"Good mawnin', ma'am. Yes'm, comin' into Washin'ton. Was there something you wanted to see me about? Somethin' I could do for you, ma'am?" Lloyd's breath was rich with brandy, as he alighted from his buggy and walked back a few steps to stand beside her, disreputable hat in hand.

"Oh, no, not really, Mr. Lloyd. I only had to see Mr. Nothey and I thought I'd just stop by and see how things are going at home. Are the soldiers leaving yet?"

"Haven't missed any." Mary Eugenia laughed aloud at his disgusted tone. "They still come snoopin' eround, lookin' fer whateveh they kin fin'. War may be oveh but what they want is still theirs, far as they kin see. Hosses, food, guns—anything they think they c'n use—they're still on the look-out fer it." He smiled knowingly at Lou, who grinned faintly and looked away. "Heah they got the Howell boy, some time back. Got careless, I s'pose."

"Indeed, we did hear he'd been arrested and put in Old Capitol. Mr. Weichman and I were just speakin' of it. I think I'll see if I can help him get out, now the war is oveh. . . . Is that Mrs. Offutt with you? Why, good mornin', Mrs. Offutt, I declare I didn't recognize you at once. My eyes are certainly goin' back on me. . . ."

Lou slapped the reins on the horse's back and the buggy moved on toward Surratt's, where they found John Nothey.

In 1852 Mr. Nothey's debt to John Surratt had been \$479.00, but now, with the interest compounding for thirteen years, it was an

item to consider with respect. Mr. Nothey wondered whether Mary Eugenia would be able to give him a clear title to the land with the Calvert payment uncompleted. When he had a clear title, he would pay, he said. She countered that when he was ready to pay she would have the clear deed ready for him. She would, on her next trip, show him her papers concerning the title to the property. The best thing for everyone concerned, Mary Eugenia knew, was to complete her arrangements with Mr. Calvert. The Nothey payment was to be turned over to him and that would clear the Surratt land as well as establish the title to the Nothey strip. At any rate the matter was soon to be settled and the worry removed at last.

Next day was Spy Wednesday. Mary Eugenia went out only to attend services at St. Patrick's. Lou and Anna accompanied her as usual. It was many years since she was able to make the entire circle of the Lenten services, and she found new strength and comfort as she made the Stations of the Cross in beautiful St. Patrick's.

The solemnity of the occasion was marred when an officer in rattling spurs and splendid new uniform attempted to kneel by Anna. Conscious of the obnoxious color even in her prayers, Anna rose hastily from her knees and moved to the opposite side of her mother, leaving Lou exposed to the contagion of the Yankee presence. The quick flush in her mother's cheek and the deprecatory glance she bestowed upon her daughter were not lost on the officer. An amused twitch of his lip said as plainly as words that the victorious enemy could be generous when the fallen foe had such flashing eyes as this one, and was so young and graceful.

Holy Thursday, too, was devoted to the prayers of the season. Lou, Anna, Honora, and Mary Eugenia went to early Communion together. Zad's daughter, Olivia, who had come in to spend the early spring weeks with them, did not attend. Olivia was not a Catholic, and Zad, a former member of the anti-Catholic Know-Nothing Party, was becoming more pronounced in his religious views.

On Good Friday, April 14, Mary Eugenia's attention was again called to worldly things. She received a letter from Mr. George Calvert.

"Riverdale, April 12, 1865.

Mrs. M. E. Surratt:

Dear Madam:

During a visit to the lower part of the County I ascertained of the willingness of Mr. Nothey to settle with you and I desire to call your attention to that fact in urging the settlement of the claim of my late father's estate. However unpleasant, I must insist upon closing up this matter as it is imperative in an early settlement of the estate which is necessary.

You will therefore, please inform me at your earliest convenience as to how and when you will be able to pay the balance remaining on the land purchased by your late husband.

I am, dear Madam, yours

Respectfully,

George H. Calvert, jr."

The demand for a second trip to the tavern was most inopportune. Tuesday's trip had been for nothing. To go again now would bring livery hire for the week up to twelve dollars. Mary Eugenia went about the house with uneasiness gnawing at her. Still, if John Nothey actually would pay her, the matter of the deeds would be settled once and for all, and the tavern property would be safe. Now that the war was over, perhaps they could go home again. With both Isaac and Johnny, they might be able to keep things together and retain their land. Another six dollars was nothing if it accomplished that.

As she turned the matter over in her mind, Lou came whistling into the house.

"Half-holiday," he said in answer to her query as to why he was free at that hour. "Half-holiday for anyone who wants to go to church and celebrate Good Friday and the Yankee victory at the same time. I stopped in at St. Matthew's on my way home but I didn't spend much time praying for 'em, either. They're plenty able to do that for themselves."

He started up the stairs, his long legs taking two steps at a time and his coat-tails shaking with pleasure at his own wit.

"Wait a minute, please, Lou. I've just had another letter about the tavern. I declare, I may have to go out to the country again this afternoon, and I just can't decide what to do about it. I wish I knew anyone going to the country . . . or had some way to go there without hiring a buggy." This business of being carriageless had its difficulties.

"Why, ma'am, why don't you borrow Mr. Booth's buggy again? He doesn't mind lending it at all. I've often heard him say so." Lou balanced easily on the edge of the bottom step, tottering back and forth as they talked.

"Well, I don't know, Lou. . . . I don't even know if Mr. Booth's in town. He's not been here since Johnny was home last time, and we've had no word or anything from him."

"Yes'm, he's here, now, I'm sure. I've seen him. I can step down to the New National and ask him in a minute."

Lou was pleased at the prospect of the trip; it would be nice to know what was going on at the tavern, what Mr. Lloyd knew about their joint affairs, and how the soldiers out there were celebrating the victory. Then, too, they might go to Mrs. Gwynne's for a meal; it was always pleasant to sit down to a country table as well supplied as Mrs. Gwynne managed to keep hers these trying days. He went down the steps whistling.

Perhaps things would turn out all right and there would be no trouble from the story he had told Captain Gleason. The danger was over with the surrender of Lee. He wondered how Wilkes was taking it, but there was nothing he could do now. He had missed his big chance.

As Lou left the house in search of Mr. Booth, Mary Eugenia stepped down to the kitchen to confer with the new houseservant, Susan Ann, about a light early lunch and food for the rest of the household while she was away. It was almost two o'clock when Lou drove up to the house. He had been delayed by Port Tobacco on the street. Atzerodt was trying to hire a saddle horse and he had thought that Naylor's might have one, but he had been disappointed. Lou waited for Mary Eugenia as she gathered up the papers she would need.

She was putting on her bonnet before the mirror over the mantel

on which sat Anna's print of "Morning, Noon, and Night," when Mr. Booth was ushered into the front parlor. The actor greeted her with the deference he always showed. He could stop only a moment, he said, but after he'd met Lou on the street, he remembered he had a package to send to John Lloyd at the tavern. Would Mrs. Surratt, who was always so kind and so generous in helping others, hand Lloyd a package? And tell him someone would stop for it later? He hated to ask her to encumber herself, a thousand thanks for her kindness . . . so like his own mother's sweet unselfishness. . . . If she would tell Mr. Lloyd that he would be coming soon again to hunt and fish? As he spoke, he offered Mary Eugenia a small package wrapped in brown paper. It looked as if it might contain a pile of small saucers stacked together.

"It's no trouble at all, Mr. Booth. I'm going' right to the tavern and will prob'bly see Mr. Lloyd. After lending me your carriage, this is a very small thing for me to do in return. I can never tell you, Mr. Booth, how much you have assisted me today."

"It's a pleasure, Mrs. Surratt, a pleasure, I assure you, and I hope your business will be completed satisfactorily. Everything will be better now the war is over." He bowed and left.

They drove away as Anna waved good-by from an upstairs window. Along the roadway sweet with spring they jogged. In the bottom of the buggy, rattling over ruts roughened by spring rains, lay the package for John Lloyd.

A small package, brown paper wrapped, rattling like glass. Small and light, but large enough and heavy enough to spring a trap and send her to her death.

Mary Eugenia's trip was not entirely successful. The elusive Mr. Nothey had not come to the tavern after all. Once more he had annoyed Mr. Calvert and caused her an unnecessary trip. While she waited in the tavern parlor she asked Lou to write a note for her to Mr. Nothey. She could see so poorly it was difficult for her to write.

It was a stiff little note that she dictated. It told Mr. Nothey just what to expect.

Surrattsville, April 14, 1865.

Sir:

I have this day received a letter from Mr. Calvert intimating that either you or your friends have represented to him that I am not willing to settle with you for the land. You know that I am ready and have been waiting for the past two years, and if you do not come forward within the next ten days I will settle with Mr. Calvert and bring suit against you immediately. Mr. Calvert will give you a deed upon receiving payment.

M. E. Surratt

Administratrix of J. H. Surratt

Zad was in the tavern having a drink at the bar. When he heard his sister was in the parlor he joined her, sputtering that the end of the war had come no sooner than it should. Mary Eugenia showed him the court records and he computed for her the interest on the plantation balance due the Calverts. She was shocked at the way interest could pile up. The amount was staggering and it made her action against Mr. Nothey more imperative than ever. Zad agreed that there was no other course. She would have to press John Nothey in exactly the same way that Mr. Calvert was pressing her.

Mrs. Offutt came into the parlor to sit a moment with their guest and tried to persuade her to stay to supper. "'Deed, Mrs. Surratt, you come home so seldom, we'll feel real hu't if you don't stay with us."

"There's nothing I'd like better, Mrs. Offutt. I declare, I get so homesick for Prince George's and Surratt's, I don't know what to do. But with the days so sho't, this rainy season, and the roads so full of soldiers yet, I do think we'd better sta't right on now. It's a long drive, you know, and there's all those torchlight processions and parades, and bands and singing and shouting, till it makes every ho'se skittish at night. I'm expecting Little Johnny every day, an' I'd like to be home when he comes back." She suddenly remembered the package she held in her lap. "Will you hand this package t' Mr. Lloyd, Mrs. Offutt?"

"'Deed, yes, pleased to, Mis' Surratt. He's gone t' Marlboro, again, same as every man 'at can get there these days. But he sh'd be home

most any minute now." Mrs. Offutt took the package, held it tentatively on her palm.

"You bringin' Mr. Lloyd some dishes, Mis' Surratt? We shorely need them in th' dinin' room, way these free-issue niggas keep breaking them up. We caint do a thing 'bout it, they're all so sma't with their walkin' papers."

"I really don't know what's in the package, Mrs. Offutt. . . . I didn't ask. Mr. Booth just said would I give it t' Mr. Lloyd fo' him and tell him . . . Oh, Lou, are you ready? We'd better start on now. It'll be late, time we get there now."

Lou stepped in the room, picked up her package of papers, and opened the door for Mary Eugenia. Mrs. Offutt laid the little package intended for John Lloyd on the horsehair sofa by the parlor door and accompanied them into the hall, across the back veranda toward the kitchen yard and driveway where their horse was tied.

As Lou cramped the wheels to assist Mrs. Surratt to get her full skirts into the vehicle, Zad called Lou's attention to the axle.

"Your fifth wheel's broken, looks like. That's not safe to drive that-a-way." He pointed to where the bolt holding the spring to the axle had sheared off in turning the buggy around.

"Lord, what now?" Lou was uneasy. "I don't know what to do with this." He got out of the buggy and stood helplessly at the horse's head.

Mr. Notte, seeing them clustering around the buggy, stepped across the road to see what the trouble was. "Piece o' rope or some-thin' ought t' hold it till you can get home," he opined.

"See if I can find a piece somewheres around." Zad started toward the house. A loud voice from the bar called Mr. Notte back to serve a drink to a gentleman dying of thirst, and Lou waited for someone to help him out of his troubles.

As they stood uncertainly near the buggy, John Lloyd drove in, singing to himself, much the worse for liquor. Mary Eugenia looked at him critically.

Lou explained their trouble and Lloyd succeeded in tying the spring to the axle with a piece of twine despite an inclination to topple against the wheel with every movement of his arm, and the

disposition of his fingers to turn into thumbs. He still hummed a vague tune, punctuated with gastronomic disturbances.

Lou was in a hurry to get away, and the horse seemed to share his impatience with Lloyd's fumbling. Mary Eugenia repeated her good-bys and thanks to Lloyd and Mrs. Offutt, who were standing on the back steps of the tavern. As Lou drove past the woodpile, she suddenly remembered once more the package in the house. She leaned out of the buggy.

"Mr. Lloyd! Mr. Lloyd!" she called, "There's a package in the house fo' you. Someone'll call fo' it soon." Her voice floated out in the sweet-scented dusk. She leaned back in the seat, adjusting her skirts, settling down for the tiring two-hour ride back to the city. She dozed as she rode and missed the budding green beauty of the countryside she loved and would never see again. That was the night that Abraham Lincoln was killed.

V. *The Net*

BY THE TIME Lou reached the city jail shortly after dawn next morning, Captain Gleason had been in General Augur's office, repeating Lou's story of the enterprise once more and carefully retracing from memory the Confederate mail route south. Prominent on the route was the name of Surrattsville. And so, when Lou timidly inquired after Detective Clarvoe, he found Major Richards of the metropolitan police waiting for him.

Lou hadn't wanted to go to the jail at all, orders or no orders. There was no telling what they might do to him, especially since he'd as much as admitted being a conspirator in the plot. The kidnaping plot, that is, not the murder. He hadn't dreamed it would come to murder, but he couldn't count on anybody's believing him. Not now, not with everybody half-crazy with rage at the murderer. If only there was some way out of the mess, he moaned to himself as he wandered about the streets, afraid to do as he was told, afraid not to. If only they'd let him go, he'd rush home to Philadelphia so quick his head would swim and he'd never venture out of doors until the war was over. Really over.

Unable to decide for himself, he wandered down to the Patent Office at 7th and E Streets, where he encountered his fellow-boarder John Holohan, who was standing on the corner exchanging rumors with half a dozen cronies. Holohan gaped at him, saw his face was more green than white, with dark circles under eyes wild with fear.

"Hey there, Lou!" he shouted. "What's the matter. You didn't kill 'em, did you?"

Lou started convulsively. "Don't say that, John," he pleaded. "Don't even whisper it. . . . Oh, if they ever catch me. . ." He clutched the older man's arm frantically.

Holohan jerked free and eyed him in silence for a moment. Then he seized his elbow and walked away with him up the street. "We'll just see what the matter is."

Lou needed no prodding. The words gushed from his mouth. It was too much to carry around alone, he had to tell somebody about it, anybody who would listen. Holohan listened. "I had to tell, Mr. Holohan," he heard. "You see, I just had to tell. They'd have caught me too. . . . They'll hang every one of them. And I work for the Government—they'd have called me a spy if they caught me. There was nothing I could do but tell. . . ." Lou looked at him imploringly. "I had to, you see . . . to save myself—" He stopped abruptly, as he caught Holohan's eye and saw nothing but cold anger and contempt in it.

"I see. I do be seein'. And now you'll be comin' down to the jail with me to see if the police will be seein', too."

The hours that followed were a nightmare. Major Richards used no racks, no Iron Virgins, but the interrogation he conducted was more thorough, Lou thought when he could think at all, than the methods of Torquemada and his Inquisitors. For hours without let-up, without a moment's rest or peace, the questions were fired at him. And even while he blurted out his answers, Lou knew his stumbling tongue and contradictions were making a bad impression, but his brain refused to function. In desperation, he agreed to accompany Major Richards to Canada, to Surrattsville, anywhere at all, to locate John Surratt. Major Richards elected Surrattsville first.

Escorted by half a company of cavalry, Lou and the Major reached the tavern late in the morning. Clarvoe and McDevitt, who knew John Lloyd well from his days on the force, came along.

Lloyd was much the worse for lack of sleep after a night of excessive indulgence. As uneasy as Lou about the possible outcome of his inside knowledge of the plan, Lloyd made no acknowledgment of their acquaintance beyond a curt "good-morning."

No strangers had passed that way, Lloyd assured Major Richard's party. He had seen no one, no one at all that night. He clung to the bar to steady himself against the rocking of the earth under his feet. Quiet and peaceful night, it was . . . no one came in . . . slep' most

of the time . . . hadn't felt well, not well at all. Wife away, too. Gone to her mother's down to Allen's Fresh. Went to bed early.

McDevitt invited his friend to take a stroll with him out in the fresh air. Once out of earshot of the others he made his proposition.

"Now, Lloyd, you know me an' I know you, an' you been a p'lice officer in Washin'ton long enuf t' know that these rascals are goin' t' be caught. Whatever you know, you better tell me now. They's money enuf in this thing t' make us both rich ef it's handled right. You better tell me what you know, and ef they was here."

John Lloyd held up his trembling right hand, "Gawd strike me dead, McDevitt, ef they come this way!" He'd like to tell, like to help his ole frien' if he could, but he couldn't. When they returned to the bar, Major Richards thought Lloyd might be able to suggest the way a fugitive might take away from the city if he were headed south. Could Lloyd do so?

Lloyd thought a moment. A fugitive, he said finally, would undoubtedly go over the road to Piscataway. He gave them directions. Lou, whose knowledge of the roads in the vicinity was at least as complete as Lloyd's, said nothing to contradict him. The party mounted hastily and galloped away in the direction opposite that of the Confederate mail route.

No sooner had the beat of their hoofs died away than great distress seized upon the trembling Mr. Lloyd. His head ached, his tongue was thick and dry, his stomach protested against every move of his body, and his feet rebelled against the orders issued to them by his benumbed brain. Somewhere in his subconscious a warning rang and rang again.

His duties at the bar became suddenly onerous. The babble of excited voices, the constant arrival of new posses of soldiers and civilians, all impelled by the urgency of stringing to the nearest tree anyone who had known that villain Booth, increased his discomfort. Before long, Major Richards would discover that the Piscataway Road would take him back to Washington. Before long, he would return.

By the middle of the afternoon Lloyd's nerves were so frazzled that even brandy could bring no relief. The memory of the furtive visit of Booth and Herold the night before, their frenzied haste,

the gun and spyglass he had delivered to them at midnight, their tense excitement as they gulped the brandy, the clutching grasp of Booth as he tried to support himself in the saddle and ease his injured leg, the feverish licking of his lips as he flung out the fearful words—it was too much of a memory for John Lloyd to bear. They were recollections he would gladly erase. The best place for him was far away. He was sure of it now. The farther, the better.

At supper time another group of soldiers made a hasty, noisy search. Lloyd could endure no more. With supreme disregard for the profit and loss sheet of the bar, he expelled the idlers, and, hitching up Little Johnny's black horse, began his retreat. At Allen's Fresh he informed his wife that he had come to carry her home, much to her amazement and that of her family. They were not accustomed to such husbandly solicitude on the part of John Lloyd.

He was easily persuaded to spend the weekend at Allen's Fresh. On Monday, April 17, physically somewhat recovered although his apprehensions were as yet unrelieved, he reluctantly hitched the horse again. With dire misgivings, he headed toward the tavern and what awaited him there.

He had not long to wait. Scarcely had he passed through the little town of TeeBee about five miles from the tavern when a band of Richards' soldiers swooped down on him. Despite his squalling protests of complete ignorance, his captors strung him up to the nearest tree until his failing memory was miraculously restored.

He opened up his heart to them. He told them about Booth and Herold. . . . They had come to the tavern about midnight Friday night. They'd had liquor. . . . Booth's leg was hurt, it was broken, he was sure, but they had ridden on. As they left, Herold had asked if they wanted a piece of news. He had not wanted news, Lloyd assured them desperately, but they had told him anyway. They had assassinated the President, and Seward, too.

The exultant soldiers transported him back to Major Richards at Bryantown, leaving Mrs. Lloyd in a state of collapse at TeeBee, to get herself and the horse home as best she could. The interview with the Major and his soldiers at their newly established jail was most thorough.

Where had he been? Why? Why did he go away? Whom was he

trying to hide? Why had Booth and Herold come there? How did he know them? What did they want? Who else had been there? Where was John Surratt? When was he there last? Who else had been there that day?

Oh, ho? Mrs. Surratt? What was she doing there? What kind of business? Business with whom?

The merest delay or hesitation on Lloyd's part was quickly eliminated by an unambiguous gesture toward a near-by tree. Over and over the same questions were fired at him until his liquor-laden brain refused to register.

Why was Mrs. Surratt there? Did he want to hang? Then he'd better know why she was there. Why had she come that day? Who'd she see? Who'd she talk to? What'd she say? How long did she talk to him? Didn't say anything at all? Did he want to hang? Who'd she talk to? Mrs. Offutt, eh? And who was Mrs. Offutt? Why would Mrs. Surratt talk to Mrs. Offutt? A *package*? And what was in the package? And what message had come with Mrs. Surratt's package? From whom? Oh, yes, he did. He knew all about it. Unless he preferred the tree, of course . . .

For two days the blubbering sot was kept at Bryantown, and then the officers started back to Washington by way of the tavern at Surratt's. There they made a brief stop, while John Lloyd, seeing his wife safe and sound and clearly displeased with him, threw himself on her neck in a passion of tears, begging her forgiveness, asking for his prayer book, and pleading in bitterness and fear for release from his captors.

In the midst of this scene, Zad Jenkins, accompanied by Captain William P. Wood, entered the parlor. Pale and silent with rage, Zad listened to his outpourings. He caught Captain Wood's eye and the two of them strolled out on the veranda. Wood began.

"Now, you' see it's like I told yo'. The drunken bla'guard's been lyin' about yo' sisteh. Not that I think fo' a minute she's had anythin' to do with this, but he's goin' t' make it almighty hard fo' her to git outta this trouble. Ain't a mite o' use hopin' she ain't goin' to be arrested, cause, jus' as sure as these min gits back t' town with the news, they're goin' to 'rrest her, same as everybody else they kin. They's too much money in it foh them not to. Only thing you kin

do, now, is t' tell me if you know anything 'bout the way them two went. You do that, and I kin promise you that Miz S'rratt ain't goin' to be bothered except to tell what she knows. Nothing else is goin' to happen to her. I kin promise you that, for sure, 'cause Sec'tary Stanton said I could. I kin protect her, if you'll help us ketch Booth and that fool boy with him."

Zad remained silent.

"Now, Zad," Captain Wood resumed, "I know they ain't a thing goes on in this county you don't know 'bout. I bet they ain't a man roun' here, that don't know this very minute jest about where them two is. And some one of 'em is goin' t' tell it purty quick, 'cause they's too much money in it for 'em not to. You better tell first and help yo' sister; she's goin' t' need help an' need it mighty bad ef Baker's men gits hold of her."

Zad hesitated only a little longer. "You know as well as I do, that my sister's had naught t' do with any o' this. If that sma't-tawkin' son o' hers is in it, I don't know, but if he was, it wasn't t' kill the man. You know yo'self, Wood, how many people's been wantin' t' ketch the Pres'dent, but you never heard any Prince Georgian say a thing about killin' him. Johnny's a young fool, maybe, but he's no murd'rer. I'm obliged to rely on yo' word that you kin help his mother. If you say so, I'll tell you the little bit I did hear. But you'll have t' promise me you kin get her out o' this trouble first."

"Sure, I can. I can speak fo' the Secretary. I've got the power t' speak fo' him. An' I do."

"Then I'll tell yo' just what I heard. I did hear they's a couple strangers hidin' in the woods down by the river, not far from Colonel Cox's house. I don't know how true 'tis, don't even know who saw 'em, but I heard they was some there. Darkies said so, and the darkies is mos' likely to know anything goin' on anywhere 'round here."

They were interrupted by a general exodus from the house. Half-carried, half-dragged, John Lloyd was squeezed into a buggy which would take him to Washington. In speechless fury, Zad heard Lloyd sobbing and the crowd around him whispered that he had confessed. He had been a member of the plot, he had known all

about it. Mrs. Surratt had been there the day of the murder with a message from Booth.

Zad's fury was matched by Wood's contempt.

"That drunk fool? Know'd him too long t' b'lieve a word he says. . . . Confess anything he would, if he saw the end o' a rope."

Wood arrived back at Old Capitol in time to see Lloyd delivered to a cell, a gibbering blob of humanity, screaming in a delirium of fear.

All day and all night he lay on the floor of his cell, a sobbing wreck that earned the outspoken contempt of his cellmate, a detective, placed there to learn what he could from Lloyd's moaning entreaties. Over and over again he wailed, it was all their fault. All the fault of the Surratts. They had talked him into renting their tavern. The Surratts would be the cause of his hanging yet. He was to be hanged. He was to be shot. It was their fault, even if Mrs. S'ratt didn't exactly know anything about the enterprise. . . .

On the morning of April 19, the body of the murdered President was conveyed into the rotunda of the Capitol to lie in state. Heading the cortege a regiment of Negro troops marched directly ahead of the funeral car pulled by eight gray horses, its heavy velvet draperies and silver cordings just clearing the ground. Its top was a capitol-like dome corded in silver. Great black plumes drooped from the corners. In the middle of this unique hearse, lay the ornate black and silver coffin of the simple countryman, Abraham Lincoln.

The bells of Washington, Georgetown, and Alexandria tolled. The guns on Lafayette Square, at City Hall, on Capitol Hill boomed their last salute to the wartime chief while the funeral notes of muted bands and the measured tread of marching feet accompanied the sobbing of the thousands gathered along the way. Companies of artillery and infantry with arms reversed, cavalry with muffled hoofs were followed by miles of carriages filled with the great of the earth or their representatives. The new President, the Cabinet, ministers of foreign powers, Senators, and Congressmen who had exhausted their vituperative resources in vicious defamation of the living man, now followed his body with pious expressions of regret,

rejoicing in their hearts at their sudden release from his restraining hand.

From the arched window of Room 16 in Old Capitol the parade was plainly visible and the prisoners watched the procession below with apprehension and uncertainty. With each hour, they saw the temper of the mingling crowds growing more violent. Thousands filed past the bier in the Capitol and thousands congregated on the streets, talking excitedly and gesticulating toward Old Capitol with angry hands and darkening glances.

Hundreds of persons walked by the prison and gazed menacingly up at its windows as they passed. Inside the building, Captain Wood strolled through at intervals to listen to the talk in the rooms and to glance out at the increasing crowds along the walks near by. Late in the afternoon he ordered out reinforcements for the guard.

Prisoners were ordered back from the windows; no one was to stand where he could be seen from the outside. A rumor drifted about that the crowd believed Booth had been brought in the night before.

Inside Carroll Annex, Mary Eugenia and Anna clung to each other in the corner of their darkening room. They could hear the crowd noises outside, the senseless screaming of a lynch mob, and for the first time they feared for their physical safety. Then they heard a scream outside their door, a thin, high-pitched girl's voice demanding to be released, and then their cell door opened and Honora Fitzpatrick, quiet, timid Honora, who writhed in a mute agony of embarrassment when a stranger looked at her, was pushed roughly into the room. They had arrested her at a Church gathering, she told them, and had taken her with them over the protests of her friends and the priest. Sobbing, she told them of her journey through the crowded streets to Old Capitol. "I'd rather be inside than out there," she whispered to Anna. Sick with fear themselves, Anna and Mary Eugenia soothed the girl and comforted her until she fell asleep.

By morning, the crowds had dissipated and with them the tension inside the prison. Colonel Foster again summoned Anna for questioning. By this time, experience had taught him how to conduct the investigation. Her interrogation took the form of a casual con-

versation rather than a barrage, and Anna, convinced that their release was imminent, was more composed and answered him pleasantly enough. Mary Eugenia had impressed upon her daughter the futility of protest and of angering the Investigating Committee.

"Miss Surratt," began the Colonel, as anxious as she to avoid the unpleasantness that sometimes occurred when the young lady was pressed too far, "when did you come to town to live?"

"About the first of October, sir."

"Who has boarded at your mother's since that time?"

"Mr. Weichman and several others have been there. Mr. Holohan and his family and Miss Fitzpatrick lived with us."

"Who else came there? Many other people?"

"A great many people came at various times; sometimes they stayed a few days and then some days no one came at all."

"Did you ever know a man named Atzerodt?"

"There was a man by that name came there. He came one evening when Mama was away."

"Who let him in?"

"I heard the bell and went to the door. He said he wanted to be put up for two or three days."

"Are you sure your brother did not bring him there?"

"Yes, I'm sure. My brother did not bring him there. He wasn't even at home."

"What did he say about him?"

"He didn't say anything to us in relation to him."

"Who else was there at the time?"

"Mr. Weichman was boarding there and Mr. Holohan's family. There was another man came there about that time, named Mr. Wood. He was there then."

"Who brought him there?"

"Why, he just came to the door and said he wanted to board there."

"I'm interested in this man Wood, Miss Surratt. Who did he say he was?"

"He said he was a Baptist preacher going to Baltimore to preach."

"Did you think he was?"

"I didn't think much of anything about him, but I told Mama I didn't like him."

"Did your mother like him?"

"No, indeed. She said 'I don't admire him myself.'"

"What did you dislike about him?"

"I don't know exactly, but—I guess I didn't like his eyes."

"Was it a wild look?" suggested the officer helpfully.

"Well, maybe."

"He said he was a preacher?"

"Yes, he said so, but he didn't look like a preacher to me."

"Why?"

"He wasn't dressed like a preacher."

"Did he wear an overcoat?"

"I didn't notice whether he did or not."

"What kind of a collar did he wear?"

"Why, just a collar." She let it be known that his appearance was a matter of complete indifference to her.

"You know whether it was a turn-down or standing collar, don't you, like a preacher would wear?"

"No, I don't."

"Well, was he dressed like a preacher?"

"Not like any preacher that I know of. He had on a common dark suit of clothes."

"What color was his hair?"

"I think—I think his hair was black."

"What kind of whiskers did he have?"

"I didn't notice his whiskers."

"Was he a handsome man?"

"Indeed, I do not know. I haven't seen any remarkably handsome men in Washington," she replied pertly. Colonel Foster cleared his throat.

"How often did Booth call on the man Wood when he was at your house?"

"If he ever called on him at all, it was not with my knowledge."

"How often did Booth come to your house?"

"I don't know how many times he was there."

"About how often? Was it frequently?"

"If I could tell you how often, I would, but I don't know. He called right often."

"Did he come when your brother wasn't there?"

"Yes, he often came when Johnny wasn't home."

"Did he call for anybody in particular?"

She flushed slightly. "He usually saw the entire family."

"Are you positive that your brother did not bring Atzerodt there?"

"Yes, sir, because I opened the door for him myself."

Again Foster changed his tack abruptly.

"On the night the President was killed, what time did you retire?"

"About nine or ten, as usual."

"Tell me again when you saw your brother last."

"John was home three weeks ago last Monday. He came up from the country."

"What did he say to you then? Did he have words with you?"

"He didn't say any words to us. He went on away again."

"Where was he going?"

"He didn't tell us where he was going."

"Where did your mother say he was going?"

"Mama didn't say where he was going. I don't think she knew any more than I did."

"Did anyone come to your house the night of the murder?"

"Not that I know of."

"What time on Sunday did you go to church?"

"About seven, I think, and then to Vespers in the afternoon at St. Patrick's."

"About what time was that, and how long did you stay?"

"About three-thirty. Vespers begin then, and they are over before dark. I came right home."

"Who was at your house that day?"

"No one that I know of."

"You mean no one at all came to your house that day? Wasn't Mr. Weichman there that day?"

"No one in particular came, that I recall. Only Mr. Weichman and Mr. Holohan."

"Were they alone?"

"A Mr. McDevitt was with them. I heard they came to change their clothes."

"What time of day was it?"

"I don't remember whether it was before noon or not."

"Who came to your house the night prior to that?"

"I don't think anyone did. We were alone."

"How can you explain that young man's coming to your house the night of your arrest?"

"I can't explain anything because I don't know."

"But his calling your mother by name? How can you explain that?"

"I can't explain anything about it. I told you, I don't know why he came. If I could tell you, I would. But I really don't know anything to tell you."

There seemed to be no point in going over and over the same grounds. Colonel Foster was becoming weary and disgruntled. He switched the subject to Olivia Jenkins, learned that she had come in to spend the Easter holidays, that Wallace Kirby was a brother of Mrs. Holohan's, and that Johnny had not been postmaster of Surratt's for some months before they moved in to Washington.

Taken altogether the day had not yielded much that the Investigating Committee could put to good advantage. Mrs. Surratt would have to be questioned again.

"I have been sent by the Secretary to examine you, among others," Colonel Olcott began, "to see what statement you are willing to make about the circumstances of this murder. You are at liberty to decline answering, but you will understand that any answer you make will be used against you at your trial. You are a woman of too good sense not to know that it is better to say nothing at all than not to tell the truth."

The phrase "at your trial" paralyzed Mary Eugenia. She stared at the representative of the Committee, rigid with horror. "Trial?" He watched her intently and saw in her face only shocked amazement.

"When was the last time you saw your son, John H. Surratt?" he asked first.

He was obliged to wait a moment for her answer.

"Monday a week previous to Mr. Lincoln's murder. He took dinner at home."

"Had he been living constantly at home before that?"

"We have been in Washington some three or four months. Before that, all of our business was of course in Maryland where we came from. Sometimes he was a week at home and then a week in the country. I thought it better for him to be in Maryland than here where there are restaurants and bad company. I thought this was not the place for a boy."

"When you last saw him, he was not a resident of your house?"

"He would stay a week and then go away for a week."

"Up to that time how long had he been there?"

"He came from the country. He had been gone a few days, over a week, perhaps. He left home the Saturday week before the Monday. He came to dinner Monday and went away again."

"Where?"

"He didn't tell me. I expected the draft to come off and I wanted him to get some money owing us and pay whatever was necessary into the Club there. When he came home I found he had not done it and I began to scold. He left the dinner table with Mr. Weichman. He asked him to walk down the street with him, and they started out of the house. I had no idea he was going away. When Mr. Weichman came back, I asked where John was and he said he had bid him good-by and was going away."

Such pain was evident in her well-controlled voice that Colonel Olcott lowered his voice.

"You have not seen him since?"

"I have not seen him since."

"Do you know Atzerodt, or Port Tobacco?"

"Yes, sir. He came to my house to board. I had several rooms. I came from Maryland and I had no way of living except to rent rooms or taking a few boarders. I advertised in the *Star* several times that I had rooms to rent. I was down in the country and when I returned I found him there. He remained several days. I don't know how many. I found liquor bottles in his room and, when my son returned, I told him I did not want this man to board, that

he kept liquor and I did not want him there. That's all my acquaintance with Port Tobacco."

"How long was this before your son left?"

She thought a moment and then shook her head. "I couldn't say."

"Did he have a horse?"

"I think he did ride on one or two occasions."

"How many times did you go into the country the week previous to the murder?"

"Twice."

Her answers came easily and with no hesitation; she looked at him with self-possession.

"Who went with you?"

"The gentleman who boarded with me, Mr. Weichman. He drove me down in a buggy."

"Where did you stop?"

"At Mr. Lloyd's, who rents my place there."

"What conversation did you have with Mr. Lloyd?"

"I don't remember any particular conversation. He was not at home till I was ready to start back."

"What time was that?"

"Friday evening."

"The day of the murder?"

"Yes, sir."

"About what time?"

"I did not start from home until after dinner. I had received a letter from Mr. Calvert in relation to a piece of land. The parties wanted me to show my deed. I only wanted to say that the deed would be ready when the parties paid me the money. I got the letter that morning."

"What time do you usually drive down there?"

"Usually late in the afternoon after Mr. Weichman comes from office."

"What time did you get dinner that day?"

"I only took a lunch about one o'clock."

"Was it after one when you started?"

"Yes, sir."

"How long does it take you to drive down there?"

"About an hour and a half or two hours."

"How long a conversation did you have with Lloyd?"

"Only a few minutes. I did not sit down. I only met him as I was going home."

"Where was Mr. Weichman?"

"He was there."

"Did he hear the conversation?"

"I presume he did. I don't know for sure."

"What did the conversation relate to?"

"He spoke of having fish and oysters. He asked if I had been to dinner and said he could give me fish and oysters. Mr. Weichman said he would return home as he was in need of his bread and butter."

"What did you say about carbines or shotguns?"

Her surprise was evident.

"I said nothing about them."

"Any conversation of that kind? Did you tell him to have the shooting irons ready? Or anything of that kind?"

"No, sir. No, I did not."

"Where is Mr. Weichman?"

"I do not know. I haven't seen him since he went away from the house with a detective by the name of McDevitt or something like that."

"Did he pass Saturday night at your house?"

"No, sir."

"Where did he stay?"

"I don't know. He left the house with that gentleman and I never saw him any more."

"You mentioned to Colonel Foster about Wood."

"Yes, sir. He stayed at my house a few days. He came to board and on Friday he left, saying he was going to Baltimore to preach on Sunday."

"Where was he from?"

"I don't know."

"How did he happen to come?"

"I had advertised my rooms in the *Star* and he came to board."

"When did he come?"

"I don't remember. Several weeks ago."

"Before the inauguration?"

"I think in February, but I wouldn't like to say."

"You could tell by the advertisement in the paper?"

"Oh, yes, sir. He said he saw we had rooms to rent and he wanted room and board. He was a stranger to me. I had never seen him before."

"What sort of man was he?"

"I think he was rather stout with black hair and eyes. He was a man of few words. Not inclined to talk. He seemed a young man—twenty years and odd."

"Did your son have any acquaintance with him?"

"Not that I know of."

"What did he say his name was?"

"He said it was Wood."

"Did he say what his full name was?"

"No, sir. He said he came from Baltimore and would return there to preach. He said he was a Baptist preacher."

"How long did he stay?"

"Only a few days. He stayed in his room most of the time."

"What was he doing?"

"I never go into my boarders' rooms any more than if I were not there." Her tone was reproachful.

"Do you recollect the man who came to your house at the time of your arrest?"

"I thought he was someone calling for the gentlemen there. I had never seen him."

"Did you not look to see if it was Wood?"

"I only saw a stranger. I'd never seen him before. I never thought at the time it was the Wood who was at our house."

"When did you get acquainted with John Wilkes Booth?"

"Some three months ago."

"Who brought him to your house?"

"He came to ask for my son. We found him pleasant. His visits were short. I never knew anything about his private matters at all."

"His visits were always visits of courtesy?"

"Yes, sir."

"Was there ever any business discussed?"

"No, sir, and no political matters, either. I don't think his longest visit was over one hour."

"What time of day did he usually come?"

"Sometimes during the day and sometimes in the evening."

"Did not an attachment spring up between him and your daughter?"

"Not particularly, I should suppose. Not that I knew of."

"Was he a handsome man?"

"He was a handsome man and a gentlemanly one. That is all we knew of him. I did not suppose he had the devil he certainly possessed in his heart."

"I should suppose from letters and correspondence that Miss Sur-ratt thought favorably of him."

"If so, she kept it to herself. She never corresponded with him."

"Did he pay particular attention to the young ladies?"

"No particular attention. We were all in the parlor together but he paid no particular attention to any one of them."

"How long has your son known him?"

"Ever since he came to the house. I do not know if he knew him before that or why he came, then. I know Mr. Weichman was with him when they met at some hotel somewhere, the National, I believe I heard him say, and made his acquaintance."

"Was Mr. Weichman well acquainted with Booth before they came to the house together?"

"I don't know. I think my son was with him when they were introduced."

"The night of the murder, who was at your house?"

"No one, except my own family. A gentleman I don't know called to leave some papers for a niece of mine. He didn't come in. I do not think that I saw him. A little servant girl took the papers."

"Did anyone else come to the house that night?"

"No one else."

"When did you know of the President's murder?"

"When the gentlemen came to my house the next morning."

"A few hours after the assassination?"

"I suppose so."

"Who was there on Saturday or Sunday besides the detectives?"

"I don't know of anyone besides the detectives."

"Did you or did you not have a conversation with three men in your dining room asking if they had seen your son or his friends and receive the information that they had seen them but dared not speak as there were so many people about?"

"No, sir, no conversation, or nothing of that kind occurred."

"Have you a relative in the Confederate Army with the rank of General?"

"No, sir."

"What is your son's rank?"

"I have no son in the Confederate Army that I know of. The day of Mr. Lincoln's inauguration he went to Texas, and the last I heard of him he was in Matamoras, Mexico. I have no knowledge of there being any of my relatives in the war on either side. My husband had a relative, a Captain Surratt in this army, and one who was a captain in the Rebel army, but I never knew either of them."

"Did your son or Booth or Herold or Atzerodt ever tell you they had engaged in a plot to kill the President?"

"Never in this world. If it was the last word I was to utter."

Colonel Olcott's face was inscrutable as he terminated the interview. Mary Eugenia was returned to her room, to wait as patiently as she could for the next move.

The word "trial," as Colonel Olcott had used it, gnawed at her. She needed advice and badly. After some hesitation she wrote a note to Father Walter, the influential priest at St. Patrick's, and asked him to come to see her. No priests or clergymen were allowed to visit the prison, she knew, but perhaps Father Walter, who was so well known, might be able to gain permission to see her. She was sorely in need of the help that only the experienced and worldly wise could give.

A night and a day dragged by. No word of any kind came to the three imprisoned women. Spring was advancing, and with the first hot days of the season their dark, heavy winter clothing was becoming extremely uncomfortable. Anna spent Sunday the twenty-ninth in planning how she would get out some summer clothes from her trunks, the first moment she was home, and in talking

about how glad she would be to have a bath and fresh garments. These she had worn without change since the night of the seventeenth. Their food trays were now left in their rooms from one meal to the next and the portions they were unable to eat, even hungry as they were, attracted flies and gnats in swarms.

In the evening as they sat together before the open window of the second floor, Nelson unlocked the heavy door.

"Mrs. Surratt wanted downstairs. Put on your bonnet and shawl and follow me."

"Oh, Mama, your bonnet and shawl," cried Anna. "That means we're going home, doesn't it?" Mary Eugenia was gathering up her cloak.

"I hope so, child, I surely do, but—I don't know."

Honora said, "But if—if that was it, they'd have sent for us, too, wouldn't they?"

"It must be that, Honora, you know it must," argued Anna, desperately.

Maybe they were going to take Mrs. Surratt to the country, suggested Honora, to tell them about the roads south, as they had said before. Perhaps Mrs. Surratt was to go to Mr. Stanton's office.

Anna's joyful anticipation was over and fear set in again. She was sobbing silently to herself, her hands clutched frantically about her mother as Nelson approached from the doorway.

"Can't wait no longer, ma'am. Here, now, Miss S'rratt, leave go." At that Anna broke into a wild scream, "Mama, Mama, don't leave, don't go. Nelson, Nelson, make them let me go, too." Nelson unclasped her hands and hurried Mary Eugenia through the door.

Honora dashed across the hall to a window opening on the courtyard. Anna lay across the bed in hysterics. She could see that a carriage had been driven into the back court. Mary Eugenia was being helped into it. She could hear the vehicle drive noisily away.

Together the girls watched the carriage vanish in the dark under the trees. Nine o'clock roll call came and went. They sat as near the window as they dared without attracting the attention of the sentry below, if he should look up at the feeble candle gleam in their room. They strained their eyes, peering out into the night. They were waiting for the carriage to come back down the tree-

lined street, to round the corner and enter the courtyard again. Bugs and roaches swarmed about their tiny candle. They blew it out.

All night long they waited, changing places at intervals to rest. At dawn, they could endure no more, and crawled upon the hard beds to sob themselves to sleep.

John Lloyd, too, had sobbed himself to sleep that night. He had held out as long as his weak mind could. Now, after a week of inquisition, after his recorded statements had been read back to him with incriminating words so skillfully inserted that his head was in a whirl of confusion and he was hopelessly entangled, after he had seen preparations to suspend his rotund person by his thumbs, he had told Colonel Wells all he wanted to know.

He was now ready to swear that more than two months before the assassination he had received and secreted the ropes, the arms, the carbines, and various other articles delivered to him by John Surratt, Herold, Payne, and Atzerodt. He was willing to swear that on the fourteenth of April, Mrs. Surratt had instructed him to have the articles ready for use that night.

Mary Eugenia could smell salt water in the air as the carriage passed through a gate and down a driveway lined with trees, bordered with piles of cannon balls in pyramids, and patrolled by soldiers. On each side of her sat uncommunicative guards. No word of her destination escaped them. Even the officer with the shaggy gray-streaked beard offered no comment, and she had dared nothing further than to ask Captain Wood, as they drove away, to assure Anna of her safety. Captain Wood's mouth had been grim and he had not met her eyes as he promised to see that Anna was told. She had pulled her veil over her face and had shrunk back into the seat. Now she sat quiet and withdrawn.

It was only when they stopped before a high brick wall that she stirred in her seat with the consciousness that this was no ordinary building they approached. Soldiers presented arms in the dim light. The horses started forward again with a jerk that almost threw her off the narrow seat.

They stopped again. She saw no outline of the building as they entered the gate and advanced toward it, only seemingly endless

walls of brick. She would not have recognized it, even if she could have seen, for in the Old Capitol there had been no word of the reopening of Washington Penitentiary.

The structure in whose courtyard they now stood, waiting for soldiers with lanterns to guide them across it, had been the first Federal penitentiary, and stood at 4½ and T Streets, Southeast. Its history went back to the days when the Capitol was being rebuilt and President Adams had asked its architect, Charles Bulfinch, to design a model prison for the United States Government. The President stipulated only one condition: the penitentiary must be escape-proof. Bulfinch toured the prisons of the states, examined the plans of the historic jails of Europe, and discovered what he believed to be a fundamental error in conception. It was inevitable, he learned, that some time in its history each jail becomes overcrowded and each cell is made to house many times the number of occupants for which it was originally designed. Thrown together in the closest contact, with nothing to do all day and all night but talk, it was equally inevitable that prisoners should talk of nothing but methods of escape. Bulfinch would thwart them before even the cell became crowded. He would design a prison divided into individual cells so small that it would be physically impossible to put two prisoners where one was meant to be. The result was Washington Penitentiary, which served the country well for three decades before the Civil War, when it was turned into an arsenal, and then, when the wholesale arrests of suspects in the assassination overtaxed the facilities of the prisons of the District, was once more turned into a penitentiary at the decision of the War Department. It was renamed Arsenal Prison. It was here that Mary Eugenia was to spend her last days on earth.

Mary Eugenia was led to a cell on the ground level. Heavy masonry walls, stone floors, a rounded ceiling of stone scarcely high enough for her to stand erect. On the floor, a pile of straw for a bed. There was room only for herself and a guard to enter. Speechless with horror, she surveyed the dark little hovel lighted only by the soldier's lantern. The silence was broken by the sound of feet. A gaunt Union soldier averted his eyes as he offered a red-bearded

Colonel the rusty iron bands he held in his hand. The Colonel nodded.

"Sit down," the guard ordered. "Right there," he amended as her incredulous gaze met his.

Mary Eugenia's knees gave way. She collapsed upon the straw.

"Put out your feet," the same toneless voice went on. Dumbly she thrust her feet forward and bared her blackclad ankles.

The soldier clamped the irons shut. She heard the connecting chains rattle, but she hardly saw what he was doing. She bit her lips until the blood broke through.

Anna—Anna—she could not go back to Anna—pounded through her brain. The lantern light faded in the distance. The only sound was that of heavy boots in the courtyard and the rustle of feet in the straw near her.

She knew now where she was. The red-bearded Colonel was Lafayette Baker, the all-powerful head of the Secret Service. Lafayette Baker himself was guarding her! Anything could happen now.

VI. *The Commission*

MIDNIGHT, APRIL 28, Colonel Lafayette Baker, accompanied by four Secret Service men, four colonels, two generals, and a company of infantry, proceeded down to the Arsenal Wharf and there met the navy ironclad, *Montauk*, steaming into the dock. From the hold of the warship were delivered seven men accused of the murder of Abraham Lincoln. Each man's hands were manacled, there was a seventy-pound weight on each of his feet, and his ankles were chained together. For each man, an individually fashioned hood had been designed "to guard against conversation," according to Stanton's official order. They were padded an inch thick with cotton, a single slit was cut horizontally across the lower part of the face to permit breathing and eating—its wearer could neither see nor hear. Heavy cords fastened about the neck and body kept the bags securely in place.

Seven men were in the hooded procession that staggered up the wharf toward the Arsenal: Lewis Payne, who had called himself Mr. Wood, a Baptist minister, who had opened a piano for Anna to play one evening long ago in her mother's parlor; George T. Atzerodt, the smirking inebriate who kept liquor bottles in his room and had not felt at home in a hotel; Davie Herold, the simple-witted boy who had followed Wilkes Booth as proudly as other boys had followed their captains in the field; Dr. Samuel Mudd, who had set Booth's fractured leg and then reported two suspicious strangers in the neighborhood; Sam Arnold, who had "retired from the enterprise," by letter, and had gone to Fort Monroe to work in the Commissary; Mike O'Laughlin, friend of Arnold, who had also "retired"; Ed Spangler, a stagehand, who had held a horse on the

night of April 14, as he had done a hundred times before, for the handsome young actor, Mr. Booth.

Seven men shambled up the gangplank, their heavy ankle chains clanking against the iron balls fastened to their feet. Beside each went a soldier, detailed to carry the iron weights so that they could walk. Gasping through the narrow slits in their padded hoods, sightless and unhearing, they swayed as they moved along, a company of ghosts en route to death.

In the Arsenal, each in an alternate cell, they were thrust again into living death. Day and night the hoods remained in place. With their hands stiff-shackled, they could not feed themselves; seeing nothing, hearing nothing, they could not know where they were; they could distinguish neither the coming of day nor its going. Only one thing could they know—that after such torture death could have no pangs.

What was it the Secretary of War feared these men might see? Or hear? Or tell? Against what conversation were they hooded and bound?

Davie Herold had babbled that thirty-five men high up in Federal confidence were assisting Booth. Was there a fear that these names might be told? Had someone wanted the President temporarily out of the way by capture, if not by death? Was it this fear that later caused the destruction of official records—the records of the Arsenal Prison?

With these seven men, Mary Eugenia was to be tried for the murder of the President. There could be no doubt now. She had been delivered into the hands of Lafayette Baker, Judge Advocate General Holt, Andrew Johnson—all submissive to the War Secretary. No power on earth could reach her now unless Stanton willed it.

Seven men lay deaf and blinded behind the walls of the Arsenal Prison. No questioning for *these* men, no third degree, no hanging by their thumbs to loosen their tongues, no detectives in *their* cells to see what they could learn. For these men, only solitary confinement with an empty cell between each occupied one. For Payne alone, who had been captured in the Surratt house the night of the murder, there was company each day. He was visited regularly by

Major Eckart, friend and confidant of the Secretary, and also his assistant. No common man might hear what Payne would say.

Mary Eugenia's note to Father Walter reached him Monday night, when it was too late for him to enter the prison. She was not a member of Father Walter's parish; she attended St. Aloysius, where Father Wiget was pastor. From the latter's description Father Walter recognized her as an occasional visitor to his church on special occasions. He knew her reputation as a quiet and amiable lady, charitable and devout in her church duties.

At Old Capitol, on Tuesday morning, May 2, Father Walter was informed that Mrs. Surratt had been moved the night before to Arsenal Prison and was now in the custody of the War Department. At the Arsenal gate, the guard refused him entrance. General Hartranft regretted, Father Walter was informed, that Mrs. Surratt was held incommunicado and was not to be seen. The priest retired to his home, fuming with wrath that an accused woman should be denied the little consolation that her church might offer.

Immured in the Arsenal, none of the accused knew of the screaming hysteria that accompanied the body of the murdered President in its journey cross-country. The train that had left Washington the twenty-first of April was now, on May 3, just arriving at its goal. At every town along the way stops had been made, the body removed from the train and borne to State Houses or hastily-erected tabernacles to lie in state so that thousands of weeping, moaning, hysterical people might view the corpse. Even in death Abraham Lincoln was not secure from exploitation.

No plan or expense had been spared to incite the people to demands for vengeance. The same locomotive that had pulled Lincoln's inauguration train into Washington was now used to haul his funeral coach to Illinois. On its front, above the cow-catcher, was fastened a huge black-draped picture of the man. The train's progress was deliberately slowed that the thousands huddled on either side of the railroad tracks could get full benefit of the show arranged for them.

Hours before its scheduled passage crowds congregated along the

rails and in the cities. Laborers in oily overalls stood beside expensively dressed women; plug hats and cutaway coats waited wearily beside weeping Negroes; a blanketed Indian or two merged with the farm families that each might say, "I saw his funeral train."

General David Hunter was in charge of the cortege. He rode at the head of each sad procession as the body was received in Baltimore by General Lew Wallace and escorted to the Exchange to lie in state; to the Capitol at Harrisburg; to Independence Hall in Philadelphia; to City Hall in New York; to the Capitol at Albany; to a specially built tabernacle in Cleveland; to the Court House at Chicago for a midnight service before a crowd of thousands that braved the stormy night. The canonization of Lincoln progressed according to plan.

Grief for Lincoln was nation-wide, grief that was skillfully fostered. It grew hour by hour, and as it grew, there grew also a complementary emotion—hate. Hate that had been carefully cultivated, that would later be exploited to the full for the benefit of the men who were now busily creating it. It was difficult to tell which emotion ran highest, grief for the President's death or hate for those who had planned the murder, who had aided and abetted the escape of the assassins. High on the tide of grief and hate rode the Secretary of War, the man most responsible for those emotions. Stanton had been unable to fulfill his promise that eight persons suspected of complicity in the murder would be executed before the body of Lincoln was in the ground. There were complications in bringing them to trial; there was some criticism of his investigation methods. Meanwhile, until his commission was set up, his prisoners were well guarded.

There was no public criticism of the treatment of the men in Arsenal Prison. The public knew nothing of their treatment. No one was permitted to enter or, once in, to leave the grounds. No information could reach the outside except through occasional newspaper rumor or the gossip of the guards. But the guards themselves knew little. During their two-hour guard duty they, too, were guarded, by officers who saw that no word was exchanged with the bound and helpless men. Each soldier could answer for only a twelfth of a day. Forbidden to discuss them with his comrades, he

could not know that the forty prisoners in the bastille were subjected to passive torture the full twenty-four hours each day. No exercise was permitted; their bonds were never loosened. The hoods were never removed to wash faces that itched in the heat of an early Washington spring and stung from dirt and perspiration, from unshaven beards and the rubbing of the rough fabric as the men turned their heads inside the heavy canvas bags. No clothing could be removed even for sleep.

Major George Loring Porter, the prison doctor and an Assistant Surgeon-General of the U. S. Army, making his rounds twice a day, became concerned for the sanity of the men he attended. He summoned Dr. Gray, head of the Utica Infirmary, for a consultation. Gray confirmed his opinion that under this torture the men might become mentally unbalanced before their trial. Together the two doctors appealed to the Secretary. He heard their opinion and agreed that the hoods be removed for a short time each day, that the men be allowed exercise and reading matter—all but those directly accused of the assassination! Later, the order for the hoods was revoked for all save the seven men who had been intimately associated with Booth. For these men no relief of any kind was ever granted.

Officers on duty at the Arsenal Prison began to find their duties onerous. Lieutenant Colonel McCall, on daily duty at the entrance to the cell blocks, grew grim lines about his mouth. Captain Watts, whose fervor for the Northern cause had increased with every year of service, grew apprehensive as distaste for his post increased. The air of mystery, the sounds of suffering, of rattling chains and half-stifled moans, the chill that hung over the prison even in the hot airless days of summer, made him shrink within himself. He regretted that he had not known what lay ahead of him when he received the prison appointment.

With stern, silent disapproval Major Porter made his rounds. He confined his conversation with the officers on duty to the same subject to which he was limited in his contact with the prisoners, their physical condition. Yet it may have been due to him that Mary Eugenia's hands were left unshackled and her only irons were the chains on her ankles.

The dampness of the low marshy land on which the prison stood penetrated the straw lying on the stone floor, and the moist air of the dark, narrow cell became offensive and heavy with its damp pungence. The warmth of sunlight never penetrated. Within a few days the dampness, combined with the feebleness of her over-wearied body, lying in her moldy heavy clothing, placed her in a serious condition.

The incoming breezes cooled the cell by day, but at night they chilled to the bone the thin body that lay supine on the straw, plagued by the gnats and mosquitoes. The first few days she had sought relief from the crude pallet on the floor, had walked the short length of her cell, had turned and walked again with only a slight impediment from the chains that bound her feet. Now she walked to free herself from the mosquitoes that swarmed through her cell, and to lessen somewhat the panic that possessed her.

After her removal to Arsenal Prison no word of any kind was given Mary Eugenia concerning anyone outside the prison. No messages reached her. No newspapers were permitted her. She still wore the black bombazine dress and the underclothing she wore on the chilly day of her arrest.

She had no contact with the outside world, but privacy was still denied her. Emissaries of the Secretary visited her cell daily or had her brought to an outside office for questioning. At night they carried to him long reports of their attempts to extract from her any information at all that bore upon her knowledge of Booth's plans. To their insistent demands that she tell them the whereabouts of her son, she could repeat only her prayerful moan: "If I only knew . . . if I only knew. . . ." Once she had prayed for his return. Now, in her dark cell, she implored the throne of Heaven for his continued absence. Still they gave her no peace—asking, asking, asking.

But it was the feet that troubled her most. Their interminable, restless pacing up and down the courtyard. An unending succession of feet following feet. By their changing cadence she knew when the sentries on duty had turned their backs to the soldiers watching them. And when the movement of the feet stopped for a moment, she knew a new guard was staring at her cell window. Soon she could feel the difference between those who stared at her openly and

those who dropped their eyes as though they knew the shame that dwelt with her in that comfortless cell. Their peering silence was worse even than the unbroken echoes of the feet that reported always her imprisonment, feet that never came to tell her she was free.

There were the feet of the sentry that stood before her door, of the guard patrolling the courtyard and guarding the sentry before her door, of the officer who watched the entrance door to the cell block, and the guards on the wall who watched the sentry. There were the feet of Stanton's men who came stealthily by to watch the officer watching the guard who watched the sentry standing at her door.

She knew the furtive tread of Lafayette Baker as he slipped along the cell block. She knew by the catch in her throat when he turned her way and by her moment of panic when he slowed to a stop before her door. Of all the men in that world of grim, unfriendly faces, of searching eyes, of contemptuously turned lips and scornful speech, he was the worst. Contumely heaped upon her she could endure. She did not even blame anyone who really thought her guilty and said so—but Baker knew she was innocent. She knew he had to know it. He was head of the Secret Service. No one could do all the investigating he had done with government money and soldiers and not know that they had found nothing to justify this treatment of her. Unless, as she had heard whispered before she left Old Capitol, unless Lou had really turned against them, unless he had really been a Northern spy and lied about them.

But Baker continued to haunt her cell. Again and again, he asked her the same questions, always twisting her least word into something sinister that had no relation to what she had meant and actually said. Soon she learned to repeat her previous answers and to change them in no way at all. And then their interviews took on the monotony of sameness—the same questions put to her in different ways, with always the same answer from her.

"I do not know where he is. . . . I know nothing of it at all. . . . I said nothing about it to Mr. Lloyd. . . . I do not know. . . . I do not know. . . ."

The face before her never changed. Baker's frigid eyes below the

low forehead framed in grizzled sandy hair remained riveted on her face, his mouth half hidden by a heavy red beard distorted by a sardonic smile. Terrible as was his physical appearance, it could not inspire the same terror as his air of concealing by silence all the facts he knew of her, his wordless suggestion that he remembered every moment that she was the only woman in this dreadful place, and that she was helpless in his hands.

She spared herself the humiliation of giving way to panic before him, but she could not spare herself his knowledge of her weakness. He knew, his eyes told her, the innermost secrets of her cell. He knew that her only privacy was the momentary turning of the sentry's back, he knew of her lack of sleep, of her lack of edible food, of her illness and its discomforts. Although he himself was unkempt and ill-groomed, his gaze made her conscious of her uncombed hair, her unclean clothing, her lack of all means of maintaining the decency of her person.

Baker came at all hours. What it was that he wanted in addition to knowing Johnny's whereabouts she did not know, but she was sure there was something else he was trying to discover. After a few days he abandoned his promises that she would be pardoned, that she would be freed, that Little Johnny would be pardoned, if only she would tell him who was behind Booth's plan.

With a glance that was half incredulous and half insatiably curious, he brushed aside her protestations that she knew nothing further to tell. Lou, he said, had confessed; more than two months before the assassination Lou had told the Secretary of War about the plot against the President. It was useless now for her to try to defend her associates; the Government knew the entire story. Only one thing was left to do, and that was to save herself. She could do this, he said, by confirming what Lou had told, by giving the names of the persons who had planned the murder and who had assisted Booth in accomplishing it.

Lou had told them that she had aided the conspiracy by allowing the band to meet in her house, that she had gone to Surrattsville on Friday to carry the message to John Lloyd and to arrange for the murderers' escape. Lloyd had admitted her share in it, said Baker.

She was in a dangerous situation unless she confided to him all she knew and so made it possible for him to save her.

"But I know nothing of all this," she could only say wearily. "If any of this is true, I know nothing about it, but I don't think it's true. I don't think it's so, at all. . . . Somewhere there's a dreadful mistake."

Finally the time came when Colonel Baker ceased his efforts and said heavily and with reluctant disbelief, "Well, if you won't talk, there's nothing I can do; but you'd be better off to talk than t' keep still. By Gawd, ef you wuz a man I'd make y' talk."

She only repeated wearily, "I wish I could help anyone by talking. If I could, I'd be glad to talk . . . I'd tell anything I knew . . . but there's nothing I know to tell. This is all a mistake, as the Government will find out at the trial."

He eyed her grudgingly. "You're a cool one."

She could only shake her head and turn away.

At the end of the first week of solitary confinement, worrying about Anna, who remained alone and unprotected in Old Capitol, Mary Eugenia became alarmed for her own sake as well. From the physical symptoms she had observed at varying intervals for some time past, she knew that the menopause was beginning its cycle. Prostration followed its first stages and she was soon too weak even to move from the straw pallet on the floor, too feeble to arouse herself from the lethargy that held her.

"I have observed," Secretary of the Navy Gideon Welles was writing in his diary at this time, "that Mr. Stanton usually succeeds in obtaining his desires and I have noticed that our prompt and energetic Secretary of War always desires a strong backer. He does violent things but he always wants someone who can bear the brunt or one on whom he can, if trouble comes, throw the responsibility."

With the establishment of the Military Commission, the Secretary of War had not one but nine men on whom he could throw the responsibility for the trial of the conspirators in the death of the President.

The actual appointment of the personnel on the morning of

May 5 had been preceded by a bitter public debate that had begun with Stanton's announcement, the day after the murder, that all persons connected in any way with the crime would be tried before a military court. Such courts had been in effect since the first year of the war, and although the severity of their sentences had not met with universal public approval, they had served a useful function in conquered or occupied territory where martial law prevailed. They were an inadequate but effective substitute for the civil courts that had ceased to exist. But the courts of the District of Columbia had never been affected by the course of the war, and now the very basis for the existence of military tribunals, the war itself, was over. The question of legality was put to Attorney General Speed, who issued an informal decision that a military commission might not operate legally in the District. Within a week, however, he had changed his mind. The accused might be tried before a military court, he decreed.

Speed's decision provoked a legal controversy that a civil trial would never have aroused. As the national fury against the murderers abated with time, words like "inquisition" and "voiceless martyrdom" were heard in circles closest to the administration and appeared with increasing frequency in the public prints. Even the Cabinet was not of one mind. Gideon Welles openly regretted that the trial would not be conducted in a civil court. Carl Schurz hinted that Speed's second decision was unwise. And when J. W. Forney of the *Washington Chronicle* commended the decision, Horace Greeley, feuding with the *Chronicle* at the time, demanded a civil trial for the conspirators. With the *Tribune* in the lead, a dozen papers of national importance assailed the establishment of the commission. Henry Winter Davis, whose interests lay with the most radical group in the government, protested to President Johnson that public disapproval of the commission was so strong that Stanton's insistence on having his way would destroy the Administration. A military court in time of peace, he argued, defied every precedence in American legal history. Judge Rufus Peckham of the New York Supreme Court issued a public statement that was hailed by liberal jurists throughout the nation:

"Every right-minded man desires the punishment of the criminals, but he desires that punishment to be administered according to law and the judicial tribunals of the country. No Star Chamber court, no secret inquisition of the nineteenth century can be made acceptable to the American mind. . . . Grave doubts, to say the least, exist in the minds of intelligent men as to the constitutional right of the Military Commission to sit in judgment on the prisoners now on trial for their lives before the tribunal."

But only one man could have overruled Stanton, could have insisted on a civil trial, and that man had been killed on the fourteenth of April. Opposed but undeterred, the Secretary of War appointed his men. Judge Advocate General Joseph Holt would conduct the trial with the assistance of Colonel Henry L. Burnett and ex-Congressman John L. Bingham. Major General Hartranft was named Special Provost Marshal General to carry out the dictates of the commission. The President of the Commission was General David Hunter, who had returned the day of the announcement from the funeral pilgrimage to Springfield. Within three days, he was to take his seat as presiding judge in the trial of the alleged killers of his close friend, Abraham Lincoln.

On the night of May 8, as Mary Eugenia lay dozing lightly, she was aroused by the sound of booted feet, the rattling of spurs, and the clanking of arms outside her cell. The key turned in the lock and a voice called curtly:

"Mrs. Surratt!"

She had scarcely time to rise to a sitting position and to catch up her winter cloak to cover her bare shoulders before the door opened. A few blue-coated officers accompanied by two soldiers with lanterns in their hands were grouped about the door. With scarcely a glance at the miserable woman huddled on the straw before him, General Hartranft began to read from the papers he held in his hand. In the confusion of her sudden awakening, of the unexpected entrance into her cell when she was undressed, Mary Eugenia listened uncomprehendingly to the long legal phrases that carried no meaning to her dazed brain. Now and then a familiar word or her own name

leaped out at her, but for the most part she understood nothing at all of the charges and the specifications that were the basis of the accusations against which she must struggle for her life. She knew only that she was charged with murder, as an accomplice of Mr. Booth. She knew that her life was at stake.

All night she lay awake dreading the morrow. She must be dreaming. This must be some horrid nightmare from which she would awake to find the reassuring hand of John Surratt on her shoulder, and his familiar voice telling her that it was morning, that he was with her, and she was safe at home. Morning streaked the sky, and still the nightmare lingered. She dragged herself to the door.

This was the day. This was the day that she, Mary Eugenia Jenkins Surratt, was to enter the dock as a common criminal charged with murder.

When this was over and she was free once more she would seek the shelter of her Church. The Sisters would believe her. They would teach her to face the world once more and to hold up her head in the consciousness of her innocence before God. But first they would shelter her and care for her, and in their protection she would rest. Oh, Holy Mother, let this soon be over, she prayed, let me soon go home. . . .

A soldier brought her breakfast tray and set it on the floor with a knowing grin. Leaving the food untouched, Mary Eugenia made such repairs to her toilet as could be accomplished with the aid of half a bucket of tepid water, and a gray-white handkerchief. The sidecombs she wore were her only means of caring for her hair and their short teeth skimmed over the surface of her heavy locks leaving snarls that could be neither smoothed nor untangled. She shook the wrinkles from her black dress now crumpled beyond all decent appearance, smoothing it with her hands. She placed her bonnet on her head and adjusted her crepe widow's veil as best she could without a mirror. This done, she sat down to await the summons to court.

A few minutes before ten o'clock, the sound of scurrying feet outside announced that the time had come. Captain Rath unlocked the door of her cell. Praying for patience and endurance, Mary Eugenia forced herself to walk toward her guards and, after a few

stumbling steps, adjusted her movements to the chains on her feet. She proceeded with an imperturbable face toward the east wing of the old prison.

The room chosen for the trial, on the northeast end of the third floor, measured about thirty by forty-five feet, and its barred windows opened on the land side of Greenleaf's Point. The ceilings and walls had been whitewashed, matting had been laid on the floor, and tables and benches had been placed about to give it the rough semblance of a courtroom. Across the west end, a prisoners' dock had been built, so arranged that a narrow aisle at the south separated the seats for the accused men from those of Mary Eugenia and her guards. The aisle led to the door which opened into the cell block corridor of the east wing.

Every seat was filled as she entered, with her guard a few steps behind her. A cold bleak sea of faces swam toward her. She dropped her eyes to shut out the sight and saw before her the straight-backed chair meant for her seat. At a sign from Captain Rath, she sat down with as much composure as she could command. From behind the sheltering folds of her veil she looked about her, welcoming the opportunity to orient herself and to discover any familiar face before she might have to uncover her own.

The chair in which she sat was separated from the rest of the room by a long, high railing. Though she had prepared herself, she realized with a shock that she was now in a criminal's seat, set apart from the respect of the world by those slender wooden bars. Until she found herself in the courtroom, she had still nourished the vague hope that at any moment word would come that she had been released and would be spared the indignity of trial. She glanced across the aisle and drew back shuddering and faint from her first glimpse of the accused men who sat there.

On their benches behind the railing, sat the seven men. Their heads were covered with rounded gray flannel hoods, extending down to the middle of their chests and secured by cords under their arms and behind their backs. The heavy canvas hoods in which the prisoners had been enveloped at first had been discarded for the new flannel coverings. To an observer the new hoods might have appeared lighter and more endurable than the heavy bags they had

worn before. In reality, they were a refinement of torture, the extent of which was unsuspected perhaps even by the defense attorneys. The new hoods were padded an inch thick on the inside with special mats that fitted over and pressed against the eyes and ears.

The heavy shackles they wore were now reinforced by an additional iron bar that joined them in a motionless unit by passing through an opening in the tip of the seventy-five-pound cone-shaped weight attached to their ankles. Beside each man sat his guard who carried the weight and so enabled the feeble man to stagger into court.

An involuntary gasp escaped Mary Eugenia as the full significance of their accoutrement came to her. She gaped at them in open-mouthed horror.

Little Johnny had not come back. None of these faceless creatures could be her son. Thank God they had not found her son. They might have treated him like this, unless—she swayed in her chair—*could* one of these blinded men be her son? Could one of them be Little Johnny? Could one of them be Lou? Perhaps that was why she had had no word of any kind. She gripped the sides of her chair for support, and her ankle chains clanked as she locked her feet together in the tension of fear.

Behind her veil her eyes darted restlessly about the room, watching the groups of men moving around, listening for a word to tell her something of what was going on beyond the railing. There was the rustle of paper, the sound of voices with an occasional gruff note or sharp excited reply. Except Colonel Burnett's, not one face was familiar to her.

Immediately in front of her stood a table and a group of empty chairs. Several days later when she saw her own earnest young lawyers seated on them, she learned that they had been reserved for the defense counsel. On this morning they were empty; right to defend themselves had not yet been granted the prisoners.

Next to the empty chairs and before the rail sat a group of young men listening intently to what was said, occupied with pencils and notebooks. These, she judged, were the court reporters.

At the far end of the dock, only a few feet from the railing, sat three imposing gentlemen, who, from the air of great authority

emanating from them, she took to be the heads of the Commission and the Judges. Later she learned that these were the Judge Advocates, the prosecuting attorneys who represented the power of government, men who had spent every day and many nights the past four weeks in preparing evidence to establish that the eight miserable persons who now sat before them had had the will and the intent to destroy by violence the Federal government and leave it defenseless before an invading Southern army. Beyond the dock a group of stern-faced officers in new blue dress uniforms was seated at a long table. Two of the seats were vacant.

Mary Eugenia's survey of the room took only a few seconds, but in the meantime the Court was called to order. Her trial for murder had begun. The legal terminology was gibberish to her and she paid little attention until someone called her by name and asked her if she desired to employ counsel. The question took her by surprise and she was unable to answer at once.

Counsel? Employ counsel? How could she pay for counsel? And whom could she employ? But she could not go undefended. For the sake of her own good name, for her children's sake, she must make an effort to defend herself. Without the slightest idea of how she could do so, she nodded and uttered a faint sound that was interpreted as assent.

For the past few moments she had been aware of movement on the part of the guards and men across from her. She heard the name "David Herold" called, and a faint reply of some sort. She turned in the direction of the voice. She had to know if Little Johnny sat there across the aisle. The hoods were being removed. She recognized Mr. Wood—only now they called him Lewis Payne—and Port Tobacco. The rest of the faces were strange. So were the names being called out. Samuel Arnold, Michael O'Laughlin, Edward Spangler, Samuel Mudd. A mumbling response to each name as a miserable-looking man stumbled to his feet and held to his guard to keep himself erect, blinking in the light he had not seen in a fortnight.

General David Hunter, seated at the head of the long table, ordered the court adjourned until the next day. They would convene at 10 A.M. on Wednesday, May 10. The adjournment, he explained,

was to allow the accused to secure counsel and prepare to defend themselves.

Mary Eugenia scarcely knew how she stumbled out of the room, sliding her feet on the floor, shuffling against the chains on her ankles. She had no consciousness of the guard beside her, no memory of the hall she traversed or of the eyes that watched her every step. She scarcely realized that instead of being returned to her first floor cell, she was now left in a third floor room of fair size, bright with sunshine, warm with the air of early summer.

Less than twenty-four hours to prepare her defense. She was without hope. No one was permitted to visit her. She had no way to obtain counsel and no way to pay an attorney if she could find one. Worst of all, she had no knowledge of what they held against her or what they would attempt to prove.

From all over the Arsenal came sounds of unusual activity. Feet passed and repassed in the halls, the lighter tread of civilians mingling with the thud of heavy military boots. All passed her door, and none stopped. By the middle of the afternoon her faint hope of outside help had vanished and had turned to acceptance of her isolation. There was no one to come. Little Johnny—God alone knew where Little Johnny was. Isaac, perhaps, was dead. Anna was still a prisoner, for only a prison could keep Anna away. Yet if she did come, what could Anna do? Childish, impetuous Anna, who had never walked the streets unattended. What could Anna know about trials, about courts, about lawyers? Father Walter might have helped, or Father Wiget. Neither had come; neither had answered her request for help. That meant they had not been allowed to see her.

If she knew nothing of Anna, Anna might know nothing of where her mother was. Where was Zad? Why hadn't Zad been allowed to come to the aid of his only sister? Perhaps he had come. Perhaps even Zad, Administration man as he was, had not been able to arrange that with the authorities. She had no way of knowing that Zad, too, had been arrested and interned in Old Capitol, under the benevolent guardianship of his friend Captain Billy Wood.

The day passed. Food was shoved inside the door, but she lay inert and motionless. Dr. Porter made his rounds, gravely observed

her isolation and her apathetic acceptance of her fate. She scarcely knew when night came. Morning broke with no hint of hope. Through the door she heard the guards exchanging information—Jeff Davis had been captured and was being taken to Fortress Monroe. The news left her unmoved.

Shortly before ten o'clock on Wednesday morning she was again led to the courtroom. Yesterday's session had familiarized her with the room into which she was to go, had showed her something of what she was to face. Today she walked with more command of herself, although her heart was leaden. She took her seat, glancing only once at the hooded men across from her.

Somewhere in the front of the room a voice began to drone. She should listen, she reminded herself. This was her trial. She was being tried for murder. Whether she could defend herself or not, she should listen. Perhaps when it came time to question her again some one of these many officers might listen to her.

All the chairs at the Commission's table were filled this morning. As the voice recited a list of names, she could identify the owners of the titles by the conscious or unconscious movement of the officers at the table. Some of them she recognized from newspaper reports, others she recalled from the memory of fiery discussions with which Lou, Johnny, and John Holohan had enlivened the dinner table. Had she once had a dinner table about which her children and guests had gathered? Had they really laughed and talked? Had they sung in her parlor evenings? There was no part of reality in the memory now.

"Major General Hunter to be President of the Commission. . . ." intoned the voice. There he sat at the head of the table. She remembered him; she remembered that he had burned the Virginia Military Institute and that when he destroyed the regiment of little boys, the fifteen-year-old cadets who had faced him at New Market, they had torn their battle flag to shreds rather than let it fall into his hands. How the Prince Georgians had raged when he organized the first battalion of Negro troops and armed them against their former masters.

"Major General Lew Wallace." That was the man in Baltimore who had ordered Zad arrested in the election squabble a year or so

before. While she was still in Old Capitol, she had read how General Wallace had forbidden schoolboys in Baltimore military district to wear the gray uniforms of private schools. The sight of gray clothing, he said, offended the sensibilities of loyal people.

At General Hunter's left sat Major General August C. Kautz and Brevet Major General John G. Foster, Major General Thomas Mealey Harris, Major General Albion P. Howe, who had just returned with General Hunter from the Lincoln funeral trip, and Brevet Colonel David Ramsay Clendening. Brigadier General Charles S. Tompkins and Brigadier General James E. Ekin were replacing Colonel Horace Porter and General Comstock, who had begged to be relieved from their appointment.

Mary Eugenia's eyes braved the stern, uncompromising faces before her. A voice asked if any of the accused cared to object to any member of the Commission. One by one the wretches across the aisle from her staggered to their feet, prodded by their guards, and muttered something under their breath.

"Say, 'no'!" She heard a hiss behind her.

"No, sir." Her words seemed to bellow in her ears.

At the head of the small table set apart for the Judge Advocates, sat General Holt, swarthy, compactly built, with a thin, severe mouth and glittering eyes that seemed never to stay still. Mary Eugenia had heard about him, too. Southern-born, he had married one of the lovely Wycliffe sisters, the toast of Southern society for years. He had switched to the Northern side when he could no longer waver and now stood in the graces of the Secretary. There was little in his face to suggest pity for any of the accused.

Beside him sat Colonel Henry L. Burnett, pompous and self-satisfied. She had heard much of him in the Old Capitol. And next to him was a civilian whose name she recognized when she heard it. He was John L. Bingham, a former Congressman from Ohio, lately added to the Judge Advocate's staff and given the rank of Colonel. He had achieved a nation-wide reputation in the court-martial cases of the Copperheads and other dissident Northern elements. His fiery speeches fairly burned the ears that heard them, Johnny had said, and his short, thin body with its quick, bantamlike movements, clad in a long frock coat that swept his ankles with his fervent gestures,

had been described in every Southern paper. Bingham was a name to make the guilty shudder and the innocent quaver. Before she left Old Capitol, the papers had been full of his helping the Secretary of War prepare the case against the assassins of the President. Now she was accused of being one of them. What could she expect from Colonel Bingham?

She was vaguely conscious that the members of the Commission were taking an oath administered by the Judge Advocate, and were being followed by the gentlemen with notebooks who had been busily writing until called in turn—Ben Pitman, Dennis F. Murphy, J. J. Murphy, R. R. Hitt, Edward V. Murphy, and R. Sutton. Pitman, who had worked with his brother Isaac on their famous system of phonography and had published his own *Manual of Phonography* in 1855, was chief court stenographer.

A monotonous voice read again the crimes charged against the accused. She had not half understood when they had been read in her cell; she would listen carefully now . . . she needed to know. Out of the jumble of words she heard an occasional phrase: “. . . traitorously conspired together . . . with John H. Surratt . . . John Wilkes Booth . . . Jefferson Davis . . . Clement C. Clay”—and then a long list of names she had never heard—“to kill and to murder Abraham Lincoln, late President of the United States, Andrew Johnson, William H. Seward . . . Ulysses S. Grant . . . and to deprive the Army and Navy of their Commander-in-Chief . . . and by such means to aid and comfort the Rebellion and to overthrow the Constitution and laws in prosecution of the conspiracy, Mary E. Surratt did on divers days and times . . . receive, entertain, harbor and conceal,” Booth, Herold, Payne, John H. Surratt, O’Laughlin, Atzerodt, Arnold, Spangler, and their confederates . . .” with the knowledge of the murderous and traitorous conspiracy . . . with intent to aid, abet, and assist them in the execution thereof. . . .”

As she listened to the sweeping indictment, her hopes rose. Now that she knew the charges against her, she felt nothing but relief. They could never prove anything like that about her, no matter how hard they tried. That was all too ridiculous. Mr. Davis, indeed, and Mr. Clay—how would an unimportant countrywoman like herself

ever meet such gentlemen? Why should they conspire with her? Surely the whole world had gone mad over this war.

Now one of the prisoners was speaking. From the corner of her eye she could see that his hood was off and that he swayed on his feet as he spoke.

"Not Guilty." Down the line moved the voices.

"Mary E. Surratt!"

"Not Guilty."

Even before the words were out of her mouth the voice went on. The Court would sit without regard for hours, General Hunter announced, except that a recess of an hour each day would be allowed for lunch. No counsel might appear for the accused unless he had taken the oath of allegiance—there was a slight stir among the young men sitting at the counsels' table. No reporters from the public press would be admitted. The Judge Advocate might, if he wished, give a copy of certain parts of the testimony to an agent of the Associated Press, provided it be published without injury to the public or to the ends of justice. All other publications would be treated as contempt of court. No persons would be permitted to pass the guards without permission signed by the Special Provost Marshal General, General Hartranft, who was in attendance upon the Court.

Suddenly the Commission adjourned again. Once more Mary Eugenia traveled the weary path to her room.

The day went, and night came as any other. A hot inland breeze was blowing. Her new room on the third floor was cleaner than her cell had been; the air was fresher and dry, but by night the mosquitoes still swarmed through its unscreened windows. Great itching welts rose on the thin skin of her face while her body sweltered in the folds of the coarse brown blanket she wrapped about herself for protection against the stinging torture of the insects. She had fitful dreams of cool linen sheets, sundried and fragrant, of huge pillows that black Rachel had stuffed with the feathers of her own white geese, singing as she worked:

"Dere's a great day comin'

It's aw-most here

It's bin long, long, long on de way. . . ."

Once again day broke. Thursday, May 11. She had been allowed two days in which to prepare her defense against the case built up during the past four weeks by the money and influence of the powerful Radical party. On this morning her trial was to begin. No earthly power could help her, and she expected none as she made what little toilet preparations she could, thankful that her veil would hide her swollen, blotched, and pallid face. Her breath came heavily as she thought of her entry into court. Feet stopped at her door. The sentry's harsh voice rang out.

"Some-un t' see yuh, Miz S'rratt."

Her heart was pounding madly as she turned toward the door, her throat constricted by the overwhelming excitement that came over her. For a moment she was unable to focus her eyes, to distinguish the shadowy figures that stood beyond the barred opening. Not Anna. Not Isaac, not Johnny, although there were two boyish-looking young gentlemen, grave-faced as her own sons would have been. The taller one spoke and his voice seemed to come from a long way off. "We are your counsel, Mrs. Surratt, if you care to have us."

"We have come to defend you," he repeated as she looked at him blankly. He looked at her sympathetically. Before another word could be spoken the guard had unlocked her door and they were moving down the hallway to the courtroom.

In the chairs in front of her sat her two young lawyers. They had walked with her, they had smiled at her and talked reassuringly as they seated themselves at the counsel table. They were the first in all those long weeks to approach her with respectful address or friendly mien. In a few moments the elder one was on his feet, stating that Mrs. Surratt begged permission to introduce Frederick A. Aiken and John W. Clappitt as her counsel. The Court acquiesced, and Judge Holt administered the oath of allegiance which had been prescribed by Congress in 1862. As the young lawyers repeated the oath after Holt, the members of the Commission eyed them and each other dourly. Aiken and Clappitt had had three years in which to announce their allegiance to the Federal Government, yet it was not until the war was over that they had the time or inclination to do so. It was evident on which side their sympathies lay. The Commission would bear that fact in mind as the trial progressed.

Mary Eugenia looked about the room with new-found animation. She knew nothing of her lawyers, nothing of their ability or experience but with their mere presence on her side she was not entirely alone or defenseless, for the first time since her arrest. Her eye stopped on a blue-uniformed figure seated near her attorneys. Her first thought was that the man had made a mistake, had taken his place on the wrong side of the room. From his braid, she judged him to be a brigadier general at the least. What was he doing on the side of the defense, she wondered.

The Commissioners, too, were asking themselves the same question. For the Federal officer beside Aiken and Clappitt was General Thomas Ewing, the brother-in-law of the formidable General Sherman. General Ewing announced to the Court that he was counsel for Dr. Samuel Mudd. Mr. Frederick Stone would assist him in the preparation of his case. Of the eight defendants, only Mrs. Surratt and Dr. Mudd had succeeded in obtaining counsel. The Court adjourned once more, after an hour's session, to reconvene the next day, when, it was hoped, the trial could start at last.

The next morning, she had her first conference with her attorneys. They listened carefully to the little she could tell them. Clappitt did not know just what the charges against her would be nor what the prosecution expected to prove. Military Commissions did not function like civil courts, he explained. In a civil court he would have been provided with a copy of the charges and an outline of the case, but here, before the Commission, he was expected to conduct a defense without knowledge of the charges, of the evidence against her, of the witnesses to be produced, and, most serious of all, without time to learn her story or her background.

Back in the courtroom, Frederick Stone explained apologetically that he would appear for David Herold "at the request of his widowed mother and his estimable sisters." General Ewing would represent Samuel Arnold as well as Mudd. As the first background witness was called to the stand, a group of officers standing about the main door parted to admit an elderly gentleman whose presence radiated such firmness and determination that Mary Eugenia was unable to take her eyes from him.

Twice he turned in her direction and twice from behind her shel-

tering veil she saw him observe her with careful, measuring glance. He was listening as intently as she to the testimony given. She was trying to determine how any of the things repeated could concern her.

She listened, sickened, to the first witness, Richard Montgomery.* He had been a spy, he testified, and had had knowledge of the planning of the murder by the Confederate agents in Canada. All these agents had been accomplices of Booth, of John H. Surratt, of Jefferson Davis, he said. She listened incredulously to the relation of rebel plans to burn New York, to infect entire Northern cities with the deadly yellow fever, to poison wells, to burn Southern prisons in order to destroy the Northern soldiers confined in them.

The elderly gentleman by the door was still contemplating her as the guards ushered her through the door, into the corridor, and then again to her own room.

Some hours later, from her bed, she heard people approaching her door, civilians, she knew by the sound of their shoes. How many there were she could not tell but she knew that these feet came with no ill intent. Clappitt and Aiken appeared in the door. The guard stood rigid at his post.

"Are you awake, Mrs. Surratt? I hope I did not wake you."

How strange it was to hear again the pleasant tone of casual courtesy. She turned toward the door. With her counsel was the elderly gentleman of the courtroom. He was looking at her now with the same direct scrutiny he had given her before. The young gentlemen waited for him to speak.

The name of Judge Reverdy Johnson was known to every Marylander. He had served his state and country in every capacity from that of lawyer to Circuit Judge, Attorney General, and Senator. Within a few years he was to be made American minister to England, but in May of 1865 he was the Senator from Maryland, well known for his unquestioned loyalty to the Northern faction of the war. Only once had he disagreed with an Administration measure, when he publicly doubted the legality of the ironclad oath, with

* Richard Montgomery and others who testified this day were members of the School for Perjury uncovered at the National Hotel. Later, they were convicted and sentenced to varying penitentiary terms for their perjured testimony.

property loss and disfranchisement the penalty for those who refused to take it. He had held, quite logically, that an oath extracted under duress is neither legally nor morally binding.

When he made himself known to her, Mary Eugenia leaned weakly against the door frame and supported herself by clinging to its bars. Tears of gratitude came to her eyes that so great a gentleman as this had come to her rescue. She crossed herself and gave thanks that she had not been forgotten in her distress.

Judge Johnson's voice spoke quietly and gravely.

"Are you innocent or guilty, Mrs. Surratt? Did you plan or have knowledge of this impious deed?"

She clung to the bars as she looked at him with the direct gaze of innocence.

"Never, sir, if it was the last word I was to speak. Never, sir."

He stood a moment in silence. His gaze traced the wan and harried lines of her face as though he reserved judgment for a moment. She met his look, her eyes almost on a level with his although she leaned against the door. The young gentlemen with him waited breathlessly. Judge Johnson broke the tension. He smiled slightly and Mr. Clappitt drew an involuntary short breath.

"Then we will defend you, Mrs. Surratt."

He waited for her to regain her composure. "Now, let us talk a little. We have very little time in which to prepare our defense."

VII. *The Prosecution*

ON SATURDAY, MAY 13, the day that testimony against the accused would first be introduced, Judge Advocate Holt had been seen leaving the office of the Secretary of War shortly before the Court convened. There was little doubt that together they had read the editorial pages of the nation's leading newspapers.

"Were there any head of the War Department other than the rash and lawless man there," declared the *New York World*, "no Military Commission would have been dreamed of. Mr. Stanton claims to have unravelled the conspiracy completely. Then he will have no difficulty in convicting them before any legal tribunal.

"Mr. Stanton should understand from the utter failure of his proclamation against Jefferson Davis and his Canadian agents to persuade even the Republican papers of their complicity, that people have no wish to convict any man except he be proven guilty by all the processes and in spite of all the defenses of the law."

Liberal opposition to the Secretary's plans was growing. It showed disconcerting signs of organization. On the morning of the thirteenth, two New York papers and two Philadelphia organs of public opinion struck a telling blow against Stanton, and in almost identical terms:

"Mr. Stanton greatly mistakes the temper of the people when he undertakes this dangerous invasion upon the established institutions which men have learned to respect. . . . And what guarantees have we that torture has not been practised by the tools and underlings of Stanton? Torture was never practised

in public and we apprehend that no one who might unfold the secrets of Mr. Stanton's prison houses has yet been released. They might a tale unfold to make the hair of every humane man stand on end."

The Judge Advocate announced as soon as the court was called to order that accredited representatives of the press, in limited number and bound by the Court's instructions, would be admitted.

General Ewing then presented on behalf of his client, Samuel Arnold, a petition stating that the Commission could not legally try him, since he was not in the military or naval service, since no martial law existed in the District of Columbia and the civil courts were open for the trial of criminal cases. The Commission had expected this move. It ordered the Court cleared and after a short deliberation resumed the session. The Commission had jurisdiction, the Commission had decided.

Clampitt then applied for permission on the part of his client to introduce the Honorable Reverdy Johnson, of Baltimore, as additional counsel for Mrs. Surratt. Senator Johnson, he added, had manifold duties in his capacity as Senator from the loyal state of Maryland and asked permission to be absent from certain sessions in order to discharge those duties. But he wished, with the permission of the Court and its distinguished President, to devote such time as was necessary to the case of the accused, Mrs. Surratt.

The Commission deliberated for a moment. General Hunter's clear, decisive voice cut into the stillness. On the table before him he consulted a written memorandum.

"One of the members of the Commission has placed in my hands, as President of this Commission, the following written objection to Mr. Johnson as counsel, which the Commission will consider before granting the application made by counsel for the defense." His sharp tones carried clearly throughout the room as he read:

"Mr. President: I feel it my duty to object to the admission of Mr. Reverdy Johnson as counsel before this Commission on the grounds that he does not recognise the moral obligation of an oath that is designed as a test of loyalty or to enforce the obligation of loyalty to the government of the United States. In

support of this objection I have the honor to refer the members of this Commission to his opinion over his signature pending the adoption of the new Constitution of Maryland in 1864."

Judge Johnson's face flushed purple at this premeditated insult to his personal character and the contemptuous denial of his status either as judge or Senator. He rose to defend his professional integrity. Although anger rankled in him, his tone was suave and smooth.

"May I inquire who is the member that makes the objection?"

"Yes, sir. It is General Harris, and if he had not made it, I would have done so myself. We will consider the matter unless you have some comment or objection to be heard."

In an instant the room had flamed with hatred. It was as if one indiscreet word had touched off a hidden fuse and an explosion was near.

"I do not object at all. The Court will decide whether *I* am to be tried."

"The Court will be cleared," announced President Hunter.

"I hope I shall be heard," intervened the Judge. If the Court were cleared, only the Commission and the Judge Advocates would be allowed to remain in the room. He would be dismissed without an opportunity to go on record.

"I think it can be decided without clearing the Court," General Ekin broke in pacifically.

"I move that Mr. Johnson be heard," General Wallace added pompously.

"Certainly, certainly." The Commission was agreed.

Judge Johnson spoke with measured and deliberate words. "There is no member of this Commission, including its President and the member that objects, who recognizes the obligation of an oath more absolutely than I do, and there is nothing in my life from its commencement to the present time which would induce me for a moment to avoid a comparison in all moral respects between myself and any member of this Court. In this rebellion which has broken down so many moral principles, it has been my pride to stand by the Government from the beginning, to assume every obligation

that the Government has thought it necessary to impose, and to do my duty faithfully in public service as well as in my individual capacity.

"I have lived too long, gone through too many trials, rendered the country such service as my ability enabled me and the confidence of the people in whose midst I am has given me the opportunity, for me to tolerate for a moment—come from whom it may—such an aspersion on my moral character. I am glad it is made now when I have arrived at that period of life when it would be unfit to notice it in any other way. If such an objection were made in the Senate of the United States, where I am known, I forbear to say how it would be received.

"I am here at the instance of that lady"—he bowed toward Mary Eugenia, who shrank back in her chair at the thought of the humiliation she had unwittingly caused the gentleman—"whom I never saw until yesterday, and never heard of. She, being a Maryland lady, thinking I could be of service to her—protesting, as she has done, her innocence to me—of the facts as yet I know nothing—I deemed it right, I deemed it due to the character of the profession to which I belong and which is not inferior to the noble profession of which you are members, that she should not go undefended. I knew I was to do it voluntarily, without compensation. The law prohibits me from receiving compensation. But if it did not, understanding her condition, I should never have dreamed of refusing upon the ground of her inability to make compensation.

"I am here now to do what evidence will justify doing for this lady who is being tried for her life. My detestation of everyone concerned in this plot is as great as that of anyone in this Court. I am not here to protect anyone who, when evidence is heard, I shall deem to be guilty. Not even her.

"As to the opinion to which this objection refers, is it here?"

General Hunter was embarrassed. "I think not."

"It is rather difficult to speak of this objection without having before me the opinion to which it referred"—the Judge openly disdained such slovenly handling of a legal matter—"but no opinion of mine could be tortured by any reasonable man into any such conclusion as that charged. As I recall the circumstances, without hav-

ing, as I say, the opinion before me, the Maryland Convention had prescribed an oath which it had no right to exact, and all the opinion said or was meant to say was that to take the oath voluntarily was not a craven submission to usurped authority but was necessary to enable the citizen to protect his rights under the then Constitution, and there was no moral harm in taking an oath which the Convention had no right to impose." The Judge took his seat with great dignity and awaited the reply.

General Harris dried his hands on a large handkerchief, for the heat of the room had become intense and the uniforms of the Commission were almost unbearably heavy. He rose to his feet and answered placatingly:

"I trust it is not necessary for me to state that above all things I do not wish to do injustice to any man. I have not the pleasure of a personal acquaintance with the gentleman, but have long known of him as an eminent gentleman of our country. The objection was made from the simple recollection of a letter read to me some months ago. I understood him to say that a test oath was unconstitutional and unbinding.

"I understood him to say that the doctrine which he taught the people of his state was that because the Convention had framed an oath which was unconstitutional and unbinding, in his opinion, therefore it had no moral binding force and the people might take it and go and vote without regard to the subject matter of the oath.

"He remarked to the Court, boastingly, that he is as able as any man in Court to judge in regard to a point of law. But this is not law. This is a point of morality. If that does not justify my conclusion, then I am unable to understand the English language." General Harris seated himself complacently.

Judge Johnson addressed General Hunter directly:

"Mr. President: The order under which you are assembled gives you no authority to refuse me admission because you have no authority to administer the oath to me. I have taken the oath in the Senate of the United States—the very oath you are administering. I have taken it in the Circuit Court of the United States, and I have taken it in the Supreme Court of the United States. I am a practitioner in all the courts of the United States, and it would be a little

singular if one who has the right to appear before the supreme judicial tribunal of the land, and has a right to appear before one of the legislative departments of the government whose law creates armies, creates judges and courts-martial, should not have a right to appear before a court-martial. I have said all I propose to say." He shrugged his shoulders and after a moment added, "They may dispose of the question as they will. It will not touch me."

General Hunter had been restraining himself with difficulty. He now broke in.

"Mr. Johnson has made an intimation in regard to holding members of the Court personally responsible for their actions—"

"I made no such intimation. Did not intend it."

"Then I shall say nothing more."

"I had no idea of it. What I said was that I was too old to feel such things even if I would."

"What *I* was going to say was that I had hoped the day had passed when freemen of the North were to be bullied and insulted by humbug chivalry. And for my own part I hold myself personally responsible for everything I do here. The Court will be cleared."

Within a few moments it was resumed. General Harris' objection was withdrawn on the grounds of the Judge's disclaimer. General Wallace then suggested that since it must be known to every member of the Commission that Judge Johnson had taken the oath in the Senate of the United States that the formality of demanding an oath from him be dispensed with.

Returning to the business of the trial, Aiken presented Mary Eugenia's plea of the lack of jurisdiction of the Court. This was dismissed with only a pretense of consideration, as were similar pleas for the other accused.

Counsel had finally been obtained for all of them. Walter S. Cox would appear for O'Laughlin, and W. E. Doster had been retained by Atzerodt's family to represent the German boatman. Doster had formerly been Provost Marshal of the District of Columbia and had frequently run afoul of Colonel Baker and Captain Wood over their prison and its prisoners. He approached his new duties with misgivings.

He was even more dubious about defending Lewis Payne when

he had been approached concerning it. Payne had neither friends nor money. Those who might have befriended him were deterred by a horror of his crime and by the knowledge that nothing could be done to save him. Payne's counsel would be a tenpin, set up only to be knocked down. But counsel must be had for all the accused; in the interest of the trial's proceeding at once, Doster consented to represent Lewis Payne.

Mary Eugenia paid little attention to the long-winded testimony of witnesses who had attended the President in his last hours, the procession of doctors, ballistic experts, stagehands, theater-goers who had been present at the ill-fated production of Taylor's farce-comedy, *Our American Cousin*, on the night of April 14. It was with considerable surprise, however, that Mary Eugenia saw Lou Weichman being led into the courtroom late that afternoon by Provost Marshal Rath. Lou passed diagonally across the room from the outside door and walked almost in front of her before he reached the witness stand. As he approached her he kept his eyes turned away as though he feared to see her face, shaded though it was by her veil.

He looked white and wan, unkempt in a way not usual for Lou, and as though he had not slept. His step was uncertain. Lou mounted the small elevated stand, railed in on three sides, and was sworn in as a witness. He would tell the truth, the whole truth, and nothing but the truth, he swore.

His voice was low and uncertain, not like the friendly companionable tones she had known. She turned her head slightly to hear better, although her eyes were still focused across the room. Lou's back was to her; she had to listen carefully to hear the voice that had become as familiar to her in the past six years as her own son's.

Judge Advocate General Holt began the questioning.

"Will you state whether you know John Harrison Surratt?"

"Yes, sir, I do."

"When did you first make his acquaintance?"

"My acquaintance with John Harrison Surratt began at St. Mary's School in 1859."

"How long were you together?"

"We left college together in the July of 1862."

"When did you renew your acquaintance with him?"

"I met him on the street, here in Washington, in January of 1863."

"When did you first begin to board at the home of his mother, Mrs. Surratt, the prisoner, here?"

"I moved to the house November 1, 1864."

"In this city?"

"Yes, sir,"

"In what part?"

"The house was 541 H Street, between 6th and 7th."

"See if that is Mrs. Surratt sitting near you."

Lou turned reluctantly. Mary Eugenia was instructed by the Provost Marshal to remove her veil.

With trembling fingers she lifted the crepe from her face and leaned forward slightly toward Lou. Their eyes met. He looked at the purple rings around her eyes, at her swollen and mosquito-bitten face, at the rumpled white collar which she had worn without change since the night of her arrest. He seemed astounded to see the chains about her ankles.

He faced the Court and answered with an effort, "Yes, sir, that is Mrs. Surratt." He was openly struggling for composure. Mary Eugenia lowered her veil and relaxed in her seat. Lou was suffering, too. Whatever he was saying, it was not because he wanted to.

"State when and under what circumstances you made the acquaintance of Dr. Mudd."

* "In January—January 10, 1865; I was passing down 7th Street in company with Mr. Surratt and when opposite the Odd Fellows' Hall, someone called 'Surratt, Surratt.' Mr. Surratt recognized Dr. Samuel Mudd of Charles City County. Mr. Booth was with him. Mr. Surratt introduced Dr. Mudd to me and Dr. Mudd introduced Mr. Booth."

"You continued to board at the house of Mrs. Surratt, the prisoner?"

"I boarded at Mrs. Surratt's up to the time of the assassination."

"After this interview at the hotel will you tell us if Booth called frequently."

* Later this date was established as December 23. Weichman's statement of dates was faulty throughout his testimony.

"Yes, sir, he called frequently."

"Whom did he call to see?"

"He generally called for Mr. Surratt, and in his absence he would ask for Mrs. Surratt."

"Were their interviews always apart from other persons or in the presence of other persons?"

"They were always apart. I have been in the company of Booth in the parlor but Booth has taken Mr. Surratt out of the room and taken him upstairs and engaged in private conversation in the rooms upstairs. Booth would sometimes, when there, enter the parlor and engage in general conversation, and then would say, 'John, can you go upstairs and spare me a word?' They would go upstairs and engage in private conversation that would sometimes last three or four hours."

"Did the same thing ever occur with Mrs. Surratt?"

"Yes, sir. . . ." Lou spoke softly.

"Have you ever seen the prisoner, Atzerodt?"

"Yes, sir, I have."

"Do you recognize him here?"

"Yes, sir." He turned to identify Port Tobacco.

Lou gained confidence as he talked. His desire to please, always evident in his voice and manner, was recognizable now. He was making an excellent impression on the Court, Mary Eugenia could see, for his gentlemanly ways and his ease of speech were an asset. The Court was listening with interest.

He outlined the highlights of the past few years, revealing an un-failing intuition as to what to emphasize and what to pass over lightly.

Atzerodt had come to the house, too; the ladies could not pronounce his name so they called him Port Tobacco. And then Lou told of the evenings he and John, Wilkes Booth, and sometimes John Holohan went to Klomans' for oysters, or perhaps some drinks. John Surratt had kept horses at Howard's stables. Lou had often seen Atzerodt there.

Mary Eugenia straightened suddenly in her chair. If John had kept any horses anywhere, she had not known about it. She had hired horses and spent good money when she had to go to the coun-

try. There was the big black, of course, but John Lloyd used him around the farm. She was sure Johnny hadn't used the black more than two or three times, when he'd had no other way of getting back to the city.

On the Tuesday prior to the murder, Lou went on, he had driven Mrs. Surratt to the tavern. She had sent him to the National Hotel to find Mr. Booth and to borrow his buggy for her. Mr. Booth had told him that his horses were sold, but had given him a ten dollar bill and had told him to hire one for her. It had cost six dollars, he volunteered. Mrs. Surratt had said that she had to see Mr. Nothey on business.

Appalled, Mary Eugenia listened. Lou had forgotten. She had given him the money for that trip herself. There was no mistake about that. She could not be wrong when every dollar had counted for so much. It was on the *Friday* trip that Lou himself had suggested borrowing Mr. Booth's buggy and horses. Something was very wrong here. She would explain the matter to Judge Johnson, who could correct it if it mattered which day it was. Mr. Booth kept his horses at Brooke's stable, Lou said.

"Will you state whether on Friday, the day of the assassination, you drove Mrs. Surratt to the country?"

"Yes, sir. We started about half-past two in the afternoon. She herself gave me the money that day. A ten dollar note, and I paid six dollars for the buggy."

He's confused between Tuesday and Friday, Mary Eugenia thought to herself.

"When did you get there?"

"We arrived there about four in the afternoon."

"Did you stop at the house of Mr. Lloyd, who keeps the tavern there?"

"Yes, sir. Mrs. Surratt went into the parlor and I remained outside for a time. I then went into the barroom until Mrs. Surratt sent for me."

"What time did you leave on your return?"

"About half-past six, I think."

"Is it about a two hours' drive?"

"Yes, sir, a person can get there easily in two hours when the roads are good."

"Will you state whether you remember sometime in March a man calling at Mrs. Surratt's, giving the name of Wood and asking for John Surratt?"

"Yes, sir, I myself went to the door, and when he inquired for Mr. Surratt I told him that Mr. Surratt was not at home but I would introduce him to the family if he desired it. He thereupon expressed a desire to see Mrs. Surratt, and I accordingly introduced him, having first asked the name. He gave the name of Wood."

"Do you recognize him among the prisoners?"

"Yes, sir, that is the man." Lou pointed to Lewis Payne.

"How long did he remain with Mrs. Surratt?"

"That evening he stopped in the house all night. He had supper served up to him in my own room. I brought his supper up from the kitchen."

Lou was beginning to show strain. Perspiration beaded his forehead and he continually dried the palms of his hands on a handkerchief far from fresh. Further questioning revealed that the visit had been about two months before the assassination, that Payne had worn black clothing and overcoat at the time, that almost a month later he had come to the house again and this time called himself a Baptist minister. Lou had let him in that time, too, he said and had shown him into the parlor where the ladies were sitting. Afterward the ladies had said it was odd that a Baptist minister should seek a Catholic home for lodging. Mrs. Surratt had laughed and said he was a great looking Baptist minister, and Lou repeated again the pitiful little jokes the young ladies had made about the lack of spiritual appearance of the assailant of Secretary Seward. Over and over again the Judge Advocate stressed the appearance and dress of Payne.

"Did you observe any trace of disguise or attempted disguise about him?"

"I would say that on returning from my office I found a false mustache on the table in my room. This man, Payne, returning to dinner, searched the house and inquired for his mustache. I was sitting on a chair and did not say anything. I have retained the mus-

tache since. It was found in my room, in my baggage. It was in a box of paints that I had in my room."

"What knowledge have you of John Surratt's having gone to Richmond?"

"About the seventeenth of March a woman by the name of Mrs. Slater came to the house and stopped there overnight. This lady traveled between Canada and Richmond. On Saturday the twenty-fifth, Mr. Surratt drove her into the country about eight o'clock in the morning. He hired a two-horse team, white horses. He left in company with Mrs. Slater and Mrs. Surratt."

"It was understood that John Surratt went to Richmond?"

"Yes, sir."

"Did Mrs. Surratt tell you so?"

"Yes, sir. On returning Mrs. Surratt told me he had gone to Richmond with Mrs. Slater. Mrs. Slater, to the best of my knowledge, was to have met a man named Howell there, a blockade runner. This Howell was captured on the twenty-fourth and could not take her back to Richmond, so John Surratt took her."

"Was Mrs. Slater a blockade runner herself?"

"I believe she was either a blockade runner or a bearer of dispatches."

"Did Mrs. Surratt tell you so?"

"Yes, sir." Lou could now answer without hesitating. Physical illness overcame Mary Eugenia as she listened. This, then, was the answer to all the things that had puzzled her. Lou was responsible for it. She was in great danger.

On the third of April John had returned from Richmond and had said that he was going to Montreal. They had walked down the street for oysters, and John had left that night. John had said that he had talked with Jefferson Davis and Judah Benjamin in Richmond and they had said that under no circumstances would Richmond be evacuated. When word came that the city was being abandoned, John seemed incredulous, Lou went on.

"Do you remember Mrs. Surratt sending you to give Mr. Booth notice that she wanted to see him early in April?"

"Yes, sir."

"What was the message that she desired to be communicated to him?"

"Merely that she wished to see him and for him to come to the house."

"Did she use the words 'private business' or any expression of that kind?"

"Yes—yes, she did. She said 'private business.'"

"What did Booth say when you gave him the message?"

"He said he would come to the house in the evening as soon as he could."

"Will you state whether on the afternoon of the fourteenth of April, the day of the assassination, Mr. Booth did not call and have a private interview with Mrs. Surratt?"

"I will state that about 2:30, when I was at the door, I saw Mr. Booth in the parlor and Mrs. Surratt was speaking with him."

"Were they alone?"

"Yes, sir, they were alone in the parlor."

"How long was that before you drove to the country?"

"He did not remain longer than three or four minutes."

Judge Holt indicated that he had completed his inquiries.

Shocked and frightened, Mary Eugenia sat rigid in her seat. There was little she could contradict in Lou's testimony. He had stayed close to the truth, near enough to make it hard to show anyone how he was wrong. He made the most innocent things appear wrong. She must remember to tell Judge Johnson she had borrowed Mr. Booth's buggy before, but she hadn't known he had hired one for her. But would even Judge Johnson and her own attorneys believe her now? They had only her word against Lou's. And Lou had lied about Mrs. Slater's visit. She had never said the lady was a dispatch carrier. Someone else must have told him, but would anyone believe that now?

Judge Johnson was rising to cross-examine Lou. How she wished she could tell him about the days that Lou had confused, but she knew they would not let her.

"How long have you lived at Mrs. Surratt's house?"

"I have been living there since November 1, 1864."

"How did you happen to go there then?"

"Mrs. Surratt moved in from the country about that time. She had rented her farm to Mr. Lloyd."

Lou anticipated the questions, hoping to have the cross-examination end as quickly and painlessly as possible. On the other hand, Judge Johnson's preliminary questioning was his way of feeling his way along with a witness of whom he knew nothing, in defense of a client whom he knew not at all, in a situation on which he was entirely uninformed. He was groping for an opening.

"Had you lived with her in the country?"

"No, sir, I had only visited there a few times."

"You knew her very well at the time?"

"No, sir, not very well. I only made her acquaintance through her son. He had been a classmate of mine." Casually, Lou disclaimed a friendship of long standing, turning involuntarily at the same time toward his questioner.

"Face the Court!" Judge Hunter's sharp reprimand echoed through the room. Lou started. He turned again to face the Commission and stood once more with his back to his questioner.

"John Surratt had been at college with me and when I went there it was to exchange the usual civilities. I always experienced the utmost kindness and courtesy," he ended on an uncertain level. Judge Johnson's voice was not particularly kind and Lou felt apologetic about not being able to turn round to answer him. Not seeing his questioner made the examination much harder.

"What sort of house had Mrs. Surratt in this city? Was it large or small? How many rooms had it?" Judge Johnson was advancing slowly, deciding as he went what his next move would be.

"There were six large and two smaller ones." In slow-paced questioning, Lou explained that Mrs. Surratt had been renting out her rooms and furnishing board as well; John had told him some time in April that he was going to Canada, to Montreal. John had not been there before, that he knew of; he had been back and forth between the country and his mother's house in town all that winter.

John Surratt's life at home had not been permanent, Lou insisted, because sometimes he would stay at home a few days and then go down into the country for a week or two. Yes, he had been away long enough to get to Canada and back several times; yes, he could

have gone to Canada without Lou's knowing it, but he could not have come home again without Lou's knowledge.

"Were you on intimate terms with him?"

"Very intimate, indeed."

"Did he ever intimate to you or to anybody else, to your knowledge, that there was a plot to assassinate the President?"

"No, sir. He started to say to me once in the presence of his sister, soon after he made Mr. Booth's acquaintance, that he was going to Europe on cotton speculations." John was going to Europe, to Liverpool, then back to Nassau and on to Matamoras to meet Isaac.

"Were you in the habit of seeing him every day when he was at his mother's?"

"Yes, sir, he would be seated at the same table."

"Was he frequently in your room?"

"Yes, sir, he partook of the same room, shared my bed with me, slept with me."

"And during that time you never heard him say it was his purpose to assassinate the President?"

"Never, sir."

"You never heard him say anything on the subject to anybody else during that whole period from November to April?"

"No, sir."

"Did you see anything else that might lead you to believe—" The query was interrupted by a bellow from Bingham: "I object. . . ." But Lou's answer had already been made: "No, sir."

"You say he had been educated at what college?"

"At St. Charles College."

"A Catholic College?"

"Yes, sir."

"Were you a student of divinity there with him?"

"Yes, sir, I had been a student of divinity. I had been in school with him there for three years. I was one year ahead of him."

"During the whole of that period what was his reputation?"

"His character was excellent. On leaving school he shed tears and the president approached him and told him not to weep, that during those three years his conduct had been so excellent that he would always be remembered by those who had charge of the institution."

"When was the first of the occasions that you say you drove Mrs. Surratt?"

"On the Tuesday before the assassination."

"What did she tell you was the object of her visit?"

"She told me she had business with Mr. Nothey. He had owed her \$479 for thirteen years, as near as I can remember."

"Was there such a man there? Do you know whether she saw him on that occasion?"

"Mr. Nothey was not at home. We arrived at the village and when Mr. Nothey was not there, she told Mr. Notte, the bartender, to send a message to him. We went on to Captain Gwynne's about three miles down the road and remained there about two hours. On returning we found Mr. Nothey there in the parlor, and they transacted their business."

"There was such a person there and she did see him?"

"Yes, sir, she saw him on that day."

"Did she state to you her purpose in making the second visit?"

"She rapped on my door on the afternoon of the fourteenth and said she was compelled to go to Surrattsville again about the debt, and would I drive her. Of course, I consented."

"The same debt?"

"Yes, sir, she said she had had a letter from Mr. Calvert about it."

"Did she tell you what the letter was—from Mr. Calvert?"

"No, sir."

"Did you see it?"

"No, sir."

"Did you go in the buggy with Mrs. Surratt?"

"Yes, sir."

"Nobody in the buggy but you and Mrs. Surratt?"

"No, sir, no one but just ourselves."

"Did you take anything with you? Any weapons or anything of that sort?"

"No, sir, no weapons. Mrs. Surratt took two packages. One was a package of papers about her property in Surrattsville, and another one, a package done up in paper, about six inches across, I should think. That was deposited in the bottom of the buggy."

"How long did you stay?"

"Until about six-thirty, I believe. It was not yet dark."

"What time did you arrive back in the city?"

"We reached town about eight-thirty or nine."

"When did you first hear of the assassination of the President?"

"I first heard of the assassination of the President Saturday morning when police broke into the house and told us."

"Who visited the house between the time of your coming home and Saturday morning?"

"Someone rang the doorbell. Mrs. Surratt answered. I do not know who it was. I was taking supper at the time."

"Have persons been in the habit of going there for rooms and remaining a day or two?"

"Persons have been in the habit of coming from the country and stopping at the house. Mrs. Surratt had a great many friends in the country and she was very hospitable. They could remain just as long as they chose."

"How long did the man stay there, you say was Atzerodt?"

"To my knowledge he stayed there just one night."

"Did you see Payne there?"

"Yes, sir, I opened the door for him once."

"As he was dressed there at that time, was his appearance genteel?"

"Yes, it was. He had on a long black coat and he acted very polished. He asked Miss Surratt to play, and he raised the piano cover and did everything which indicated a person of breeding."

"Do you know why Atzerodt left the house?"

"He had been noisy and drinking."

"Had he been drinking in the room he had got? Or in any of the rooms?"

"Yes, sir, a man named Gus Howell was there, and John Surratt was home."

"What I asked was, was there any drinking in the room?"

"Yes, sir."

"Were they noisy at all?"

"Not very."

"You did not hear from any member of the family that Mrs. Surratt told John that Atzerodt could not stay there?"

"No, sir, I heard from Miss Anna and Mrs. Surratt afterward that they did not care about having him brought to the house."

"What reason did they give?"

"Miss Surratt said she did not want such sticks brought to the house, they were no company for her."

"You say you found on your own table a false mustache. What color was it?"

"It was black."

"Was it a large mustache or a diminutive mustache?"

"It was medium size, not large, not small; it was what I would call a medium mustache."

"Was it so large that it would entirely change the appearance of the wearer?"

"Yes, sir."

"You think it was?"

"I think so."

"You took it off the table where you first found it and put it in your own box where you kept your paint?"

"Yes, sir. I put it first in a toilet box, my toilet box standing on my table, then later I put it in the paint box in my trunk."

"And you have kept it ever since?"

"Yes, sir."

"Now, as I understand you, when Payne first came home, he seemed to be feeling around for something, said he had lost something. Did he not ask for the mustache?"

"Yes, sir."

"Why didn't you give it to him? Or was it yours?"

"No, sir, it was not mine."

"Then why did you not give it to him at that time? Did you suspect that he meant to do something wrong?"

"I thought it rather queer that a Baptist minister should use a false mustache. . . . I did not care to have false mustaches lying about . . . lying around on my table."

"But you locked it up?"

"I know I locked it up."

Lou was perspiring heavily now, leaning against the rail of the witness stand. He licked his lips occasionally with the tip of his

tongue. His breath came unevenly, but Judge Johnson, some distance behind him, could see little of the effect his cross-examination was having.

"What did you intend doing with it?"

"I did not intend doing anything with it. I took it and exhibited it to some of the clerks in the office afterward when all the clerks were skylarking. . . . I was fooling with it. I put on a pair of spectacles and the mustache and was making fun with it."

"Your only reason for not wanting to give it to him was that you thought it queer for a minister to have it?"

"Yes, sir, and I did not want it around my room."

"If you had given it to him it would not have been around your room, would it?"

"No, sir."

"That would have taken it out of your room, wouldn't it? But to keep it out of your room you locked it up in a box and kept the box with you?"

"I thought—I thought no honest person had any reason to wear a false mustache."

Judge Johnson's opinion was silently expressed by his glance toward the Commission table. "Can you describe to the Court young Surratt and his general appearance?" he went on, "How was he dressed?"

"John Surratt is about six feet tall with a prominent forehead, a large nose, and rather sunken eyes. He wears a goatee and has very long light hair. The last time I saw him he had on cream-colored pants, a gray coat, and a gray vest."

"Now, on his return from Richmond, he told you he had seen Davis and Benjamin. Did he refer to them as officials of the Rebel government?"

"No, sir, he merely said he saw them and that Richmond would not be evacuated."

"Did he tell you that he had any further connection with them at all on business?"

"No, sir, he said nothing further than that."

"On his return John had nine or eleven twenty-dollar gold pieces;

you mean you did not ask him where he got them or how he happened to be talking to Davis and Benjamin?"

"No, sir."

Judge Johnson paused long enough to smile incredulously. He was confronted by the glare of the Judge Advocate. Colonel Burnett shifted his position in his seat.

"In this letter from John Surratt, from Montreal, he just said he liked the city?"

"Yes, sir, it was written in general terms. Mrs. Surratt permitted me to read it. John had bought a new peajacket he said."

"That's all you heard of him?"

There had been a letter from John dated April 17, in Montreal, Lou explained. John liked the city; he had enjoyed the French cathedral. Board was too high, \$2.50 a day in gold, and he might go on to Toronto. John had written to Miss Anna Ward, a teacher in the Orphan Asylum School at 10th and G Streets, sometimes called Sister Lucy's School. Miss Ward had brought the letter over for Mrs. Surratt to read and she had allowed Lou to read it also.

"Was there anything in these letters to indicate his purpose, or anyone's purpose to commit murder?" There was not, Lou admitted.

"You have known Mrs. Surratt since 1863 and have been living in her house since November 1?"

"Yes, sir."

"During that time, as far as you could judge, was her character apparently good and amiable?"

"Her character was exemplary and ladylike in every particular."

"Was she a member of the Church?"

"Yes, sir."

"Was she a regular attendant?"

"Yes, sir."

"That was the Catholic Church, was it not?"

"Yes, sir."

"Are you a Catholic?"

"Yes, sir, I am a Catholic."

"Have you been to church with her?"

"Generally every Sunday."

"Was that the case up to the time of the assassination?"

"Yes, sir."

"Then, if I understand you, from November until April 14, she was regular in attendance to her own church and, as far as you could judge, doing all her duty to God and man?" With a half sob, Lou stammered, "Yes—yes, sir," and leaned heavily on the side of the stand.

Judge Johnson retired to his chair. General Ewing then asked a few perfunctory questions about the holiday meeting with Dr. Mudd and Booth. Lou admitted that so far as he knew Mudd had never visited the Surratt home.

As John Clampitt took over the cross-examination, Lou felt sure that this youthful-voiced gentleman would ask him embarrassing questions before he was done with him. He slumped wearily in anticipation, but the beginning seemed harmless enough—a repetition of the inane inquiries about Dr. Mudd. When he touched on the trips to the tavern, Clampitt's voice assumed an abrupt, forceful quality that boded ill for Lou.

"With regard to the ten dollars Mr. Booth offered to you—did you take it?"

"Yes, sir, I did."

"Did you suppose that it was any more than an act of kindness or friendship?"

"I thought it was the act of a friend at the time. I had been told that Booth was in the habit of keeping a buggy at Brooke's stable, and going to the hotel I said; 'I am come with an order for that buggy that Mrs. Surratt asked for.' Said he: 'I have sold my buggy but here is ten dollars. You can go hire one.'"

The memory of the occurrences of that afternoon, when he had insisted to Mrs. Surratt that Booth was in town, caused him to hesitate. This testifying was worse than he thought it would be. And Mrs. Surratt was sitting right there, listening to what he had to say. He added reluctantly—

"I never told Mrs. Surratt about that." He stopped. He was sure that Colonel Burnett would not want him to explain that while Mrs. Surratt had several times accepted the use of Mr. Booth's carriage, she would not have permitted him to hire one for her.

"At the time you went to Surrattsville, did you transact any business for her?"

"I wrote a letter for her to Mr. Nothey."

"Did you make up a sum in interest for her?"

"Yes, sir."

Without warning Mr. Clappitt dismissed the witness.

A few questions more from the other attorneys for the defense and Court was adjourned for the day.

Sunday, May 14. Exactly one month after the President's assassination. It was hard to believe that only thirty days had passed since she had heard the pounding of the police at her door, the police come to seize her son, to involve her in their insane web of brutality and corruption. In thirty days, her life in prison had obscured the memories of forty years, the stench of her cell had overpowered the sweet country smells she had once known, the clank of her chains had drowned out the sound of her babies' voices. She had struggled against her apathy at first, had fought to retain her pride, her dignity, but the dirt had been stronger than her will and had prevailed in the end. Now she heard the testimony that would convict or acquit her with indifference, too tired to care what was said, too weak to stir in her chair in protest against a flagrant lie. She felt herself surrendering to the existence that was forced upon her, and more and more often she doubted they would ever let her go.

But her attorneys were more confident. Aiken, Clappitt, and Judge Johnson visited her in the afternoon to tell her of their progress, to obtain from her information they needed to prepare their defense. She tried to concentrate and tell them what they wanted to know.

She wished now she had paid more attention to what had gone on about her in her home, lamenting the afternoons she had napped by the window, the evenings she had dozed in the parlor when she should have been listening to the conversations around her. So many things must have been said that could help her, things that would have prevented what was happening to her now. If only she had listened, if only she had known what was being said in her own house and to her own son.

Clampitt assured her that everything was going well, even better than they had hoped. They would soon be able to trip up Weichman and discredit his testimony completely. She still found it hard to believe that Lou would save his neck at the expense of his friends and of the truth, but his testimony had proved his intentions.

May 15, Monday, was the hottest day of the year. Mary Eugenia was tense and exhausted from a sleepless night. She was astonished when two soldiers entered her room a few moments before ten o'clock and without a word of explanation removed the chains from her ankles. She walked toward the courtroom between her guards almost with alacrity in spite of her fatigue. This could mean only one thing: something had been found, somewhere, somehow, to make the Court admit her innocence. Probably she would be released at once. She entered the hearing room with a feeling of buoyant anticipation. She had not been told that the public was to be admitted and the press would be present. Reports of a woman prisoner in chains might not redound to the credit of the prosecution, and the hoods were to be removed from the male prisoners for the same reason.

The first witness called was John M. Lloyd. Mary Eugenia wondered what he would remember of that day at the tavern. She had thought he was too intoxicated to remember anything at all, and had told her lawyer so, but Clampitt had warned her not to be surprised no matter what he might say. Before Lloyd could reach the witness box, Aiken was on his feet. Judge Johnson's senatorial duties had prevented his attending Court that morning and since Mr. Lloyd's testimony was so important to their client, Mrs. Surratt, the defense begged that Mr. Lloyd's examination be postponed until the next day, when Judge Johnson would be able to attend.

Judge Holt bluntly refused the request. Mrs. Surratt had two counsel present, a sufficient number in the eyes of the Court. As Colonel Bingham began the questioning of John Lloyd, Mary Eugenia's heart sank. She had put her faith in Judge Johnson and now he was not there.

As Lloyd's testimony continued she listened with mounting horror. Either the most monstrous lies were being told or a plot had actually been hatched in her house such as she could never conceive.

If Lloyd's tale were only half true, then Mr. Booth really had involved Johnny in a devilish plan.

She strained to hear every word, for Lloyd's voice was almost inaudible. He kept his head down as though he dared not speak right out, and his monotonous tone hardly carried to the Commission's table.

He kept the tavern at Surratt's, Lloyd said. He rented it from Mrs. Surratt. He knew her son, John Harrison Surratt; he knew Herold; he knew Atzerodt; they had all been at his house. A few weeks before the assassination, John Surratt had stopped there with these other men, and had left some carbines, a rope, a monkey wrench and some ammunition with him for safe keeping. He had taken them up to the storeroom of the house and had suspended the carbines by strings between the joists of the room below. John Surratt had said they would be called for in a few days. No, he answered a moment later, John Surratt hadn't told him who would call for them.

"Will you state whether on Monday or Tuesday preceeding the assassination Mrs. Surratt came to your house?"

"I was comin' in to Washington and I met Mrs. Surratt at Uniontown on Monday previous to the assassination."

"Did she say anything to you concerning the carbines?"

At this point counsel for the accused requested that the witness be instructed to raise his voice as it could not be heard when the speaker's back was to them.

"When she first broached th' subject t' me, I didn' know what she had ref'rence to," half whispered Lloyd. He was breathing heavily. "But"—and then his breath came quickly—"she came out plainer. I'm sure—quite sure," he amended, "that she asked me about the shooting irons." The last words gushed from his mouth, then he stopped as though relieved that they were finally said.

"She mentioned the weapons as shooting irons?" asked his questioner.

"I—I think she named the shooting irons to call my attention to these things, for I'd a'most forgot about their bein' there. I was afraid—I was afraid the house might be searched, an' they was shoved 'way far back."

"What did she tell you about the shooting irons?"

"She tole me—she said t' get them ready. They'd be wanted soon." His voice seemed no louder than a breath, but even where she sat Mary Eugenia heard the lie. Her quick gasp floated across the room. Several reporters glanced at her and their pencils raced across their notes.

"Now, her first question to you—was it whether they were still there or what was it?"

"Really, I can't recollect th' first question she put t' me. I couldn't do it. I couldn't do it t' save my life." He looked imploringly at Colonel Bingham, but the Judge Advocate went relentlessly on.

"Was it so indistinct that you could not understand what was meant?"

"It was in a manner as if she wanted t' call my attention t' something, but so—so nobuddy else could understand. Fin'ly she came out bolder with it."

Mary Eugenia sat as rigid as if her flabby body had turned to iron. This, then, was what Mr. Clompitt meant when he said that she must not worry no matter what was said. He had known that John Lloyd would lie.

"But she said they would be wanted soon?"

In the heat of the room Lloyd's face was pasty and perspiration gathered on his upper lip. He wiped it away with a trembling hand. "Yes, sir. She said they'd be wanted soon. I said I had an idea t' have 'em buried . . . I was uneasy at having 'em in the house."

"Will you state whether on the eve of the assassination Mrs. Surratt came to your house?"

"I went to Marlboro to attend a trial in court an' in the evenin' it was prob'ly late when I got home. I found Mrs. Surratt there. I sh'd judge it was maybe 'bout five."

"What did she say to you?"

"She met me out by the woodpile as I drove in th' yard, havin' fish an' oystehs in th' buggy, an' she tole me t' get the shootin' irons ready as there would be some pa'ties call fo' 'em that night."

"Did she ask you to get anything else ready for those parties?"

"She gave me somethin' wrapped in a piece of paper. I didn' know whut it was until I took it upstairs an' found out it was field glasses."

"Did she ask you to have any whisky prepared for them?"

"She did."

"What did she say about that?"

"She said t' git a bottle o' whisky."

"She said they were to be called for that night?"

"Yes, sir."

"State whether they were called for by Booth and Herold."

"The guns was called for—the whisky wasn't. They drank th' whisky they wanted outen the bottle. They didn' carry any bottle with 'em."

"When they came in, did they ask for carbines?"

"They didn't ask fo' the carbines. Booth didn't come in—he stayed on his horse. Herold come in an' carried th' bottle out t' him."

"In what terms did Herold ask for the whisky?"

"I don't think he asked fo' the whisky. I think—I think he asked fo' the things in such a way I would know what he wanted. . . . I think he jus' said, 'Lloyd, fo' Gawd's sake, make haste an get th' things.' He might've included th' whisky fo' all I know."

"Did he seem to suppose that you knew what the things were?"

"From the way he spoke he must a bin apprized that I knew whut t' give him."

Mary Eugenia made a mental note. If Herold had been at the tavern when the paraphernalia was delivered to Lloyd, of course they both knew what things he meant.

"Did you give him all the articles, field glasses, and so on?"

"No, the monkey wrench an' the rope was not what I was told t' give him. I gave him th' things mentioned by Mrs. S'ratt."

"How long did they remain?"

"I think—not longer than five minutes."

"What did they say about the assassination?"

"Jus' as they was leavin' Herold said, 'I'll tell yuh some news if yuh want it,' an' I said, 'I'm not pa'tikler. Use your own choice 'bout tellin' me.' 'Well,' says he, 'I'm pretty certain we assassinated th' Pres'dunt an' maybe Sec'tary Seward.' That was his language near as I kin recollect."

"Now, I understand you to say that Herold said, 'For God's sake

make haste and get those things,' and you went straight and got the carbines?"

"Yes, sir, supposin' they was the things Mrs. S'ratt referred to. She didn't mention any names—she didn't say who was t' come."

Lloyd's voice had almost failed him, and he was a limp, palpitating shell when Colonel Bingham released him to Mr. Aiken.

Aiken delayed posing his first question as long as he dared without censure from the Court. He saw Lloyd's elbows twitch and he knew the man was desirably near the breaking point. A menacing silence on his part might assist in breaking the witness down, but he dared not wait too long. He made his first questions simple.

When did Lloyd first rent the house? Had Mrs. Surratt called there many times since? Did he keep a bar? Would he detail the conversation at Uniontown?

He had passed Mrs. Surratt on his way to Washington. Lloyd repeated; she was coming down to his place and she had stopped her buggy. He got out and went to her buggy; it was very muddy; it had been raining. She spoke in a manner trying to draw his attention to these things but he had not understood.

"The word carbines was not mentioned?"

"No, sir, she finally came out and I am quite positive, but I can't be determined about it—she said shootin' irons, and asked me about them."

"Had she asked you any questions with reference to the soldiers about the premises previous to this?"

"I had tol' her I expected the place t' be searched. I think it was at that time. I'm not positive it wasn't befo' that."

"You can't remember whether it was at this time that she spoke about the soldiers?"

"I think it was 'bout this time that a conversation ensued 'bout th' place bein' searched."

"Immediately after this remark in regard to soldiers did Mrs. Surratt speak of shooting irons?"

"I can't say whether it was befo' or after that remark. It was a very quick and hasty conversation, and consequently I can't remember whether it was befo' or after that."

"Can you swear on your oath that she *did* say shooting irons?"

"I—I am very positive."

"At what time on Good Friday did you see Mrs. Surratt?"

"In the neighborhood of five o'clock—I don't know when, jus' exactly."

"How long did she remain?"

"I don't think it was over ten minutes."

"Now state again the conversation between you during those ten minutes."

"I first drove up t' th' woodpile having fish an' oystehs in my buggy." He was speaking with an effort now, and his knees trembled against each other. "Mrs. S'rratt came out t' where I was."

"The witness speaks in such a low tone that we cannot hear his answers," protested Clompitt loudly.

Lloyd began again. "'Well, Mr. Lloyd,' said she, 'I want you t' have those shootin' irons ready. There will be parties call for them tonight.' At the same time she gave me something wrapped up in paper. I didn' undo it till I got upstairs."

"Did you undo it immediately you got upstairs?"

"As soon as I got upstairs I saw what it was."

"Did you lay the package down and leave it anywhere before you went upstairs?"

"No, sir."

"Are you positive again that Mrs. Surratt told you at that time that the shootin' irons would be called for that night?"

"I am very positive."

"Were there any other persons present during the interview?"

"Mrs. Offutt was there."

"Did she hear the conversation?"

"I don't know whether she heerd it or not. She was in the ya'd, I b'lieve."

"Was she within hearing distance?"

"I s'ppose so, I don't know."

"Is Mrs. Offutt a neighbor?"

"No, sir, she's my sister-in-law."

"What is her given name?"

"Emma. Emma Offutt. She's now very low. Very sick—in bed," he added hopefully, as if that would end their interest in Mrs. Of-

futt. It merely increased Mr. Aiken's desire to talk about the lady.

"Did you tell these circumstances to Mrs. Offutt?"

"I don't think so, but I won't be positive about that. I don't think I did as the time was so short and the soldiers kept coming."

"You don't think you did?"

"I don't think I did. I had t' be in the barroom all day Friday, and I don't think I saw Mrs. Offutt from the time I got up, only at mealtimes, exceptin' once."

"Did you have any conversation with the soldiers regarding the assassination?"

"I don't think so."

"No conversation at all about the assassination?"

"Well, I—I only deplored it."

"Did you tell the soldiers about Booth and Herold being at your home?"

"No, sir, I didn't. An' I'm only sorry now that I didn't. That's where I blame myself. That's the only diff'culty I labor under—now."

"Did Mrs. Surratt have any conversation with you concerning the conspiracy?"

"No, sir, never."

"Did she not give you any charges?"

"Only when she mentioned the shootin' irons. That was the only charge she gave me."

"Was the package put into your hands by Mrs. Surratt or by any other person?"

"By Mrs. Surratt, herself."

"Where were you standing?"

"By—by the woodpile. I just got outa my buggy."

There was nothing to be gained by further questioning, apparently. Lloyd was released by Aiken and delivered over to General Ewing and Frederick Stone for brief cross-examinations. Stone was preoccupied with the question of where Mrs. Offutt had been standing and whether she had heard the conversation between him and Mrs. Surratt. Then he asked about the servants at the tavern.

There were two, generally, Lloyd replied. Sometimes a man who used to live there when Mrs. Surratt was there came back occasion-

ally, and sometimes a woman who had been with Mrs. Surratt returned.

"Were any of these people there when Booth and Herold came in?"

"I don't know. I was right smart in liquor that ev'nin' an' after night come, I got more so. I went t' bed early an' slep' till 'bout twelve."

"Did you have any conversation with Mrs. Offutt about the package after Mrs. Surratt had gone away?"

"I think I told her it was a field glass."

"Did Mrs. Offutt say anything about the field glass after Mrs. Surratt left?"

"I don't know. I can't remember."

"Didn't she tell you that Mrs. Surratt had given her a package?"

"She did not."

Here the Judge Advocate intervened.

"Are you not sure that Mrs. Offutt was near enough to hear your conversation? Was it in a low tone of voice that Mrs. Surratt spoke to you?"

"No, not very low, not very loud, either. Just loud enough t' hear."

Then Lloyd was finally allowed to leave the stand, so shaken that he had to be assisted by the Provost Marshal. Not once did he glance in the direction of the lone, black-robed figure sitting erect with pride and determination in every line. Now is the time, Mary Eugenia thought, I must appear brave. If even once I seem frightened by what they say, they will call it a guilty conscience.

As Lloyd left the room, Judge Advocate Holt called out: "Louis Weichman recalled!" Again Lou was before her. He was more composed than on the day before but he still kept his face turned away from her as he entered. To her delighted surprise, Judge Johnson suddenly appeared in the room and took his seat at the counsel table as Lou reached the stand. Aiken's failure to obtain a postponement of Lloyd's questioning had been reported to him by messenger and the Judge had hastened as quickly as he could to the courtroom.

General Ewing interrogated Lou first, asked him several casual

questions about Dr. Mudd and his meeting with his client, but soon relinquished him to Judge Johnson. The room waited expectantly. Tilts with Judge Johnson were always worth listening to.

Lou was once more ill at ease. For the first few moments attorney and witness skirmished about the Tuesday meeting at Uniontown. Lou didn't know of any town by that name. On that day he stopped *after* he had passed through a village, not *in* one. Judge Johnson permitted him to procrastinate for a moment or two, then in a stern voice indicated that they would now get down to business and have done with nonsense and trivia.

"Do you know John Lloyd?"

"Well, I know of him."

"Have you ever seen him?"

"Well—yes. I have seen him about three times."

"Did you know him as keeper of the tavern?"

"Yes, I did. I copied off the instruments when he leased the tavern."

"Did you see him beside the buggy that Tuesday afternoon?"

"Yes, sir. We met his carriage and Mrs. Surratt called to him. Mr. Lloyd came back to the buggy and Mrs. Surratt put her head out of the buggy and had a conversation with him."

"Did you hear anything that was said?"

"No, sir."

"Anything about shooting irons?"

"No. There was nothing said about shooting irons. Mrs. Surratt spoke about Howell, the blockade runner. She said she was going to see him and ask him if he wouldn't take the oath of allegiance and get released. She said she would apply to General Augur or to Judge Turner for the purpose."

Colonel Burnett interrupted: "I understood you to say that you did not hear the conversation!"

Lou stopped in confusion but quickly caught himself again. "I did not hear the conversation between Lloyd and Mrs. Surratt at the buggy," he explained. "I heard her conversation with Mrs. Offutt some distance away."

"It is the conversation between Lloyd and Mrs. Surratt that we are talking of. You could not hear that?"

"No, sir, I could not hear that." Colonel Burnett accepted the answer with a nod and Judge Johnson resumed his questioning.

"Do you recall whether it was raining?" he asked.

"Well, it was a murky day, very cloudy. Yes, it rained at intervals."

Recess was announced before Judge Johnson could reveal the purpose behind his meteorological interest. Court would reconvene at two o'clock.

In the afternoon, there was no sign of Lou. Instead, John Lloyd was escorted back into the courtroom. His gait was slow and feeble; he appeared sick. Pounds had melted from his rotund body during the weeks he had been tormented by fear, tortured by the lack of brandy for which every cell in his body had been screaming, and only the promise of a drink at the end of his testimony could induce him to drag himself once more before the tribunal, to expose himself to their terrifying questioning and to the reproachful presence of Mary Eugenia. All that saved John Lloyd from complete collapse was the knowledge that his back would be to Mrs. Surratt as he talked and that her counsel, seated behind him, could not look into his face.

Under Colonel Burnett's guidance, Lloyd amended the day of his meeting with Mrs. Surratt at Anacostia-Uniontown to Tuesday instead of Monday, identified a carbine exhibit as one that John Surratt had left with him, and then offered the gratuitous information that he was not quite sure that he had carried upstairs the package that Mrs. Surratt had given him on Friday. "I do not recollect exactly, but I am pretty positive I carried it directly upstairs."

"Why are you not positive?" coaxed Colonel Bingham.

"The whole thing was so hurried—I can't say now I'm positive. I'd had liquor," he went on desperately, knowing himself wrong somewhere, but not sure just where. "I'd had liquor at the time, so I can't distinctly recollect but I think it likely I laid it on the sofa in the dining room. That's my impression."

Mr. Aiken thought he detected some little dissatisfaction over this package within the serried ranks of the prosecution. He would attempt to make the most of it. He now addressed General Hunter:

"I do not know that I exactly understand this witness and should like to ask him one question." Obtaining permission, he turned to Lloyd.

"Do I understand you as stating that you were in liquor at the time you had the conversation with Mrs. Surratt?"

"I was somewhat in liquor, as I said on Saturday."

"On that account you do not feel able to give clear testimony? Is that the explanation you wish to make?"

"Well, I just wanted to explain I wasn't positive whether the package was carried upstairs—it was a hurried piece of business with me, and consequently I didn't reflect on it." Frederick Aiken decided this would bear more investigation when the defense could call its own witnesses.

It was two days later before the testimony reverted to Mary Eugenia. During those days the animosity of opposing counsel increased and the anger of Judge Holt was often aroused. Arguments waxed more bitter and more heated with the heat of the day. Perspiration flowed down flushed cheeks above wilted linen neckbands. Handkerchiefs waved through the air as brows were mopped, and sweaty hands stuck to papers lying on tables. Heavy woolen uniforms weighted down with gold braid clung to sweating bodies.

The Judge Advocate had become entangled in a technical point and had called on Colonel Burnett to extricate him by citing previous court decisions. This the Assistant-Judge Advocate was unable to do, but he could and did launch at once into the question of intent on the part of the accused to aid the Rebellion by the assassination. General Ewing protested at once, admitting that his client, Spangler, had entered Confederate service, but not with the intent to murder the President.

"Yes, he did, too!" thundered Judge Holt. "He entered into it to assassinate the President, and everybody who entered into the Rebellion entered into it to assassinate the President and to assassinate everybody that either followed its standard in the field or represented its standard in the councils!"

Having delivered himself of this judicial decision he subsided, to the silent laughter of the legally initiated present who had received so unprecedented an opinion *ex cathedra*.

General Hunter was punctiliously furnishing certain extracts of testimony to the newspapers. More and more passes were being issued to trusted individuals to attend the sessions. "Gath," whose sharpened pen could puncture the complacency of official Washington with a stroke, was providing vivid pictures of the torrid atmosphere surcharged with hatred, in his correspondence columns to outside newspapers. On May 17, he wrote:

"I look about me and see many things that are more interesting than safe to relate. It is in the heart of the trial. Judge Holt has so far managed the trial to his liking. He puts the principal questions, orders the witnesses, and seems to be working very hard at the case. . . . The character of the plotters is decidedly below par. . . . Not one of the accused, if we except Dr. Mudd, seems to have intellect to conceive, carry on, or execute a plot of this kind. In fact, a more clumsy set of knaves scarce ever set about a deed of blood. . . .

"John Surratt was a sort of go-between. If arrested he could tell whether Davis and Saunders were inculpated, and if so, how far. It is notable that so far only two hundred dollars in gold are said to have been furnished for the purpose and this is by far too paltry a sum with which to charge the Rebel government. . . .

"Mrs. Surratt, although by no means a demon in female form, is no doubt capable of a perilous enterprise. Her leaning toward the Rebellion with an infatuated admiration for her wicked son are no doubt at the bottom of her connivance and complicity with the plot. . . ."

While she was being judged inside and outside the courtroom, Mary Eugenia sat shrouded in the veil to which she clung, although its suffocating folds hampered her breathing in the stifling air. Never, never could she expose her face to such unfriendly gaze as surrounded her on all sides.

Much of what was said by counsel, court, and witnesses went over

her head completely. She could not understand the bitterness of debate over the admission of testimony nor the vitriolic oratory that attended a statement from either side. Again and again she rehearsed in her mind the things she had heard Lou say, the things that were not true—the things he must know were not true—but which she could not refute because she could not speak her piece in court. Only he and she had been present on those drives to the tavern. He could say anything and she would not be allowed to contradict him. She had hoped for some help from John Lloyd's examination, but that had been worse still. There remained now only Mrs. Offutt's word to confirm her own. She waited now for Mrs. Offutt.

After the noon recess on the seventeenth, Emma Offutt's name was called and Mary Eugenia felt assured that the Court would hear for the first time the true circumstances, correctly related.

Colonel Bingham began Mrs. Offutt's examination by asking about her relationship to John Lloyd, whether she had been in the carriage with him near Uniontown on Tuesday, April 11, whether she had heard his conversation with Mrs. Surratt.

She had not heard the conversation, Mrs. Offutt said, for Mr. Lloyd had walked to Mrs. Surratt's buggy, and had talked to her some distance away. She had seen Mrs. Surratt the following Friday at the tavern, and had seen her talking with Mr. Lloyd but she hadn't heard that conversation, either.

As Aiken rose solemnly to his feet to cross-examine Mrs. Offutt, Mary Eugenia felt a violent upsurge of hope. Mrs. Offutt would confirm what she had said. Mrs. Offutt would be the first to really help her.

The first questions were unimportant and Mary Eugenia waited impatiently for her attorney to ask the questions that really mattered. Mrs. Offutt did not know how far apart the buggies were at Uniontown; the conversation had been a very short one. On the afternoon of the fourteenth she had talked to Mrs. Surratt for a few moments in the parlor before Mr. Lloyd came home. Colonel Bingham interposed a hurried objection when Aiken asked if Mrs. Surratt had explained the business that brought her to the tavern. The objection was sustained.

"Did she place in your hands any package?"

"No, sir."

"Did she give you any charges with reference to her business?"

"No, sir."

Mary Eugenia leaned back in her seat weak and trembling. Then Mrs. Offutt, too, was in the conspiracy against her. She had assured Mr. Aiken so positively that Mrs. Offutt would confirm her story. Now, perhaps, even her own lawyers would doubt her word. She heard nothing of the rest of the session but sat preoccupied and remote until adjournment came. In her cell she sank prostrate on the straw bed.

Lou was finding this testifying a grinding business. On Thursday, May 18, he was recalled and questioned at length by Colonel Burnett about John Surratt and the evening the latter had returned from his horseback ride in great excitement.

"Payne came in a few minutes later," Lou now embellished his story, "and then Mr Booth, both of them so excited about something that they passed me by without seeing me." He added that Payne and John had left the house together. Payne to go on to Baltimore and Booth to New York.

In cross-examination, Aiken asked why he had not been able to hear Mrs. Surratt's conversation with Lloyd at Uniontown, since he sat beside her in the buggy. Mrs. Surratt had leaned out the side of the buggy and had whispered to Lloyd, Lou explained hesitantly.

Mr. Aiken passed briefly over the matter of Mrs. Slater's visit to the Surratt house, but Lou spent some time in explaining the nature of a little veil that Mrs. Slater had worn. It was a small crepe veil, a mask, he was sure the ladies called that sort of veil. He was unable to remember the exact words with which Mrs. Surratt had told him that Mrs. Slater was a dispatch carrier.

"By whom were you first called for examination?" asked Aiken. Lou's apprehensions rose at once. He knew this question was bound to come, and he had been dreading it.

"By Colonel—Judge Advocate Burnett," he answered.

"When were you arrested?"

"I surrendered myself on Saturday morning at eight to Superintendent Richards of the metropolitan police. I stated to him what I

knew of Payne, Atzerodt, and Herold visiting the home of John Surratt and that I had seen these men in private conversations."

"What was your object in being so swift with all this information?"

"To assist the Government in any way I could."

"Were any threats made to you?"

He hesitated a second before answering. "No, sir."

"Any inducements made to you to tell these things?"

Lou gulped. Perjury was still new to him, then.

"No, sir, no inducements at all. I read in the paper that morning the description of the assailant of Secretary Seward. He was described as a man who wore a long gray coat. I had seen Atzerodt wear such a coat and I went to a stable on G Street and told the man there I thought it was Atzerodt. I went on down the street and met a man named Holohan and he communicated his suspicions to me. We returned to breakfast and after that gave ourselves up to Superintendent Richards. I told Officer McDevitt about Payne and where he had been stopping. McDevitt put me in his charge and said, 'You will go with me.' We went to a livery on G Street and hired horses. We went to Herold's and there procured photographs. I told McDevitt that Herold had many acquaintances in Maryland and that he was in the habit of riding there. I thought if they would take any road, they would go through Maryland."

Mary Eugenia listened. This, then, was the answer. This was where Lou had been while she feared for his safety. This was what had caused all the trouble. Lou had betrayed them all. He had known all that Johnny had known, and had saved himself by accusing the others—and herself.

"Did you ever say to anyone previous to surrendering yourself that you were fearful of arrest?" Aiken went on.

"I myself had a great deal to fear. Being in the house where these people were, with Mrs. Surratt and her family, I knew I would be brought into public notice."

"I did not ask you what you had to fear!" Aiken snapped.

"You must let him answer. . . ." Bingham's bass voice drowned him out.

"I asked if you were afraid you would be arrested."

"As far as myself was concerned as being cognizant of anything of this kind, I had no fears for I was not cognizant." He took a breath and went on. "When I surrendered myself I did so because I thought it was my duty. It was hard for me to do so, situated as I was, with Mrs. Surratt and her family, but it was my duty." His tone became unctuous and General Ewing surveyed him with new interest. "And as my duty I have regarded it ever since."

General Hunter announced that it was time for lunch; they would recess until two. Lou's relief at the interruption was evident to everyone in the room.

When the Court reconvened, Lou was again on the witness stand. Clampitt took over the cross-examination and Lou resigned himself to another long session in which it would require all his wits to travel safely between the path laid out by Colonel Burnett and the pitfalls dug by Clampitt.

"Now, Mr. Weichman, are you acquainted with a Mr. Howell?"

"I have met a Mr. Howell at Mrs. Surratt's house."

"Were you intimate with him?"

"I was introduced to him."

"Did you ever tell anyone that you were giving him information?"

Sudden perspiration broke out on Lou's forehead.

"I never spoke about giving him information at all. On the contrary I spoke to a clerk in our office, Captain Gleason, and said, 'there is a blockade runner at Mrs. Surratt's house, shall I have him delivered up?' I cogitated the question myself for three days and decided in favor of Surratt. I thought it would be the only time he was there and I let him go in God's name."

A distinct sniff came from the reporters' table. General Hunter looked up quickly but all was still.

"Did you ever have any conversation with him, yourself, about going South?"

"I told him I would like to be South. I had been studying for the diocese of Richmond and would like to be in Richmond for that purpose. I had been a divinity student."

"Did he offer to make any arrangements for you to get to Richmond?"

"No, sir."

"Why had you a greater desire to study in Richmond than in the North?"

Colonel Bingham objected loudly to the question and it was dropped after a heated controversy about whether the matter of Lou's studying in the South could be discussed at all.

"Did Howell, while you were a clerk in the War Department, teach you a cipher?"

Lou hesitated before answering.

"Why—he taught me a sort of alphabet."

"What was its purpose?"

"No purpose—no purpose at all."

"Was it for the purpose of corresponding with you from Richmond?"

"No, sir, no, indeed. No arrangements were made for any correspondence at all." Lou's denial was emphatic. "I once wrote a poem of Longfellow's in cipher," he added. "This cipher was in my box and was no doubt found."

"Did Howell give you the key to the cipher and teach it to you?"

"He just showed me an alphabet and how to use it."

"He taught it to you?" persisted Mr. Clampitt in so insinuating a manner that Lou did not know how to answer.

"I made no use of it. I never used it at all, except as I have told you, and to show a clerk an enigma—to have fun with clerks who liked puzzles. I never used it."

"How long was this after Howell had returned from Richmond?"

"It was soon after, I think." Lou's answer was reluctant.

"Did he tell you the cipher was used in Richmond?"

"No, sir."

"Now, do I understand you to have told the Court that in all your acquaintanceship and conversation with these prisoners, you never heard of any treasonable conspiracy?"

"No, sir, I never did."

"You never did?"

"No, sir." Lou would have been more comfortable if he had known that only suspicion prompted the question. Proof lay safely locked away in the Secretary's file.

"Then you were not suspicious of the blockade runner and his association with John Surratt?"

"I would have been the last person in the world to suspect my roommate John Surratt of the murder of the President."

"And you were not suspicious?"

"My suspicions were aroused by the actions of John and Booth and Payne coming to the house. My suspicions were aroused by their frequent private conversations. My suspicions were aroused by their playing with pistols and bowie knives, and lastly by the false mustache I found."

"Then if your suspicions were aroused on all these different occasions you have mentioned and you had reason to believe that something improper was in the wind, did you communicate any of them to the War Department?"

"My suspicions were not of a fixed and settled nature." Lou was most uneasy now. "I did not know what they intended to do. I made a confidant of Captain Gleason in the War Department and he laughed at me. He hooted the idea. I told him 'Booth is a Secesh sympathizer,' and I told him snatches of conversation I could overhear from these parties, and I told him about the blockade runners. At one time I saw in the paper the capture of President Lincoln fully discussed and I remarked to Captain Gleason, 'Do you think any party could capture the President?'"

"You did hear then, that the capture of the President was contemplated?"

"I did not hear it. It was a casual remark of mine. I saw the thing fully discussed in the paper. If you will read the *New York Tribune* for March 19, you will find the detail mentioned there." Lou was now in a quandary. He had almost made a serious admission and repeated with haste: "It was merely a casual remark of mine that I mentioned to Captain Gleason at the time. This happened before the horse-back ride and after these parties had been out riding. I mentioned to Captain Gleason the next morning that John had come back and mentioned the very expression they had used. And I told him that to all appearances what they had been about had been a failure and that I was glad and I thought that Surratt had been recalled to a sense of his duties."

"You stated that what you thought they had been after had failed?"

"Not what I thought they had been after. I did not think that the capture of the President had been contemplated. It was just a casual remark of mine. I had been seeing the subject freely discussed in all the papers and as I said before, I would have thought John Surratt the last man in the world to have contemplated such a thing."

"But how came you to connect the discussion which you read in the papers with any of these parties and have your suspicions aroused against them?"

"No matter how a man's mental processes work," bellowed Colonel Bingham, flailing the air with his puny arms, "you can't ask any man how his mental processes work—" and another bitter battle was on. Clappitt smoothly reminded the Court that the prosecution had been permitted to ask that very thing of the witness questioned the day before, but Judge Holt sustained the objection. Mr. Clappitt chose a new line.

"Did you understand yourself to be on intimate personal relations with the prisoners at the bar?"

"Not intimate personal relations. I only met them because I was boarding at Mrs. Surratt's house. I have never been on intimate personal relations with the man, Payne, or with Atzerodt. I met them and went to the theater with them, but I looked on Atzerodt as did everyone else in the house, as a good-natured countryman."

"But you were a roommate of John Surratt's?"

"John Surratt has been my roommate and companion now for seven years."

"And did you profess still to be a friend of his while you were giving this information to the War Department as you spoke of?"

"I was a friend of his as far as he, himself, was concerned, but when my suspicions were aroused as to the danger to the Government in any particular, then I preferred the Government to John Surratt."

"Then you did know he was contemplating something against the Government?"

"I did not know what he was contemplating. He said he was go-

ing to engage in cotton speculations. He said he was engaged in oil speculations."

"But if you did not know these things, how could you forfeit your friendship to him? What is the rationale of that proceeding?"

"I never forfeited my friendship to him. He forfeited his friendship to me."

"By engaging in the cotton speculation?"

"No, sir, by placing me in the position in which I am now—testifying against him."

"But you could not be aware that you would be placed in any such position?"

"I think I was more of a friend to him than he was to me. I knew he permitted a blockade runner at the house, without informing on him, because I was his friend. I thought of it for three days."

Mr. Clappitt sat down and motioned to Mr. Aiken to proceed. Lou waited, wet from head to foot with perspiration.

"I do not know that we have anything further to ask. We propose to make him our witness at a subsequent stage of the trial."

Waves of fright chased up and down Lou's perspiring back. "We are not very tender of him at any rate." Mr. Aiken's tone held such insolence that Lou almost gasped aloud.

"What do you mean by that?" shouted Mr. Bingham, "what threat is that? What right have you to insult a witness in such a manner as that?"

Mr. Aiken replied softly, his face devoid of all expression:

"The remark—so far as the witness is concerned and the manner in which it was made—was made simply with reference to his time which we are occupying." He looked again at Lou's stooped shoulders. "And, of course, the physical fatigue which he may be undergoing." Then he added suavely, "Oh, nothing more in the world, nothing."

That evening as the army ambulance carried the witnesses back to Old Capitol, Lloyd and Weichman exchanged items of news. Seated beside Lou, Captain Wood appeared to doze, but in reality was listening to every word. Witnesses were not allowed to hear the testimony of other witnesses in the Court.

"What'd you say 'bout the Uniontown stop?" queried Lloyd, who sat facing Lou and Captain Wood. "You heerd everything that was said."

"No, I didn't, I didn't hear a word. I said I didn't hear."

"That's a lie, an' you know 'tis. You was sittin' closer t' her than you are t' me this minute. They wasn't no way at all that you couldn't hear it."

"I tell you I didn't, and I said so. I said Mrs. Surratt leaned out of the buggy and whispered to you, so I couldn't hear." Both men were shaking with nervous rage. Lou had lost all discretion.

"Why—why yo' dirty, lyin' dawg—you' tryin' t' hang me, too? I'll—I'll—" Lloyd thrust trembling hands across the aisle toward Lou's throat, cursing as he swayed with each move of the ambulance. Lou shrank back in terror. Captain Wood opened one eye, drove his elbow into Lloyd's kidney with a force that knocked him back in his seat, curled up in an agony of pain.

"Hush yo' fuss, both o' you. Don't lemme heah no more arguin' er I'll hang yo' both, myself. Only ain't neither one o' you wo'th th' trouble. Yo' both lyin' yo'seffs black in th' face. I hope t' hell they ketch up with yo'."

The shock of Lou's admission that he had actually concocted incriminating falsehoods about her family while a member of her household, and then repeated them to government officials, had completely unnerved Mary Eugenia. Once almost stolid in her lack of emotion, she had become a psychological shuttlecock, her hopes soaring at a kind word and then smashed a moment later by the most bitter fits of depression as the net of lies was woven more tightly around her. Hour after hour she lay sleepless at night, going over in her mind what she had heard during the day, still trying to make sense from nonsense, to learn facts from fictions. There had been days when none of the testimony touched her or anyone she knew, days when she could make little out of what was being said, so remote it seemed from anything she had ever heard before. She recalled the horror with which she had listened to the Judge Advocate on the first days of the secret testimony, asking question

after question concerning the activity of Southern spies in the Northern cities.

Wells poisoned by Southern gentlemen in order to kill Northern women and children? Explosives hidden in coal shipments to destroy the people who used it? Typhoid and yellow fever germs placed in milk and in cotton balls to wipe out whole cities? No, these things could not be, the gentlemen she knew, the neighbors who thought the South was right, her own husband, apoplectic with rage at the North as he had been, none of them could have planned horrors such as she had heard for nine hours a day in an airless hate-filled room. Yet none of these atrocities seemed more impossible than that Lou should have turned against his friends. But if these things that were happening to her were real, might not the others of which she only heard be true, too? Perhaps wild men did burn whole cities; perhaps if one's own friends could lie and defame and seek to crucify the innocent, perhaps after all she had never known anything about the world. Perhaps after all there was no good anywhere. Perhaps not even God really lived and loved the world. And then once again memory would come to her rescue, to save her from her blasphemous thoughts, to assure her that not she but the world was mad. Lou had lied. John Lloyd had lied. Mrs. Offutt had lied. There was no way to free herself from the incriminating lies they had told. They were frightened. She could see they were frightened, but Lou, who had been as a son to her, Lou who had knelt in her pew beside her, Lou who had eaten at her table, and whose socks had lain in her workbasket along with her own sons' clothing—could Lou do this to her?

She could not eat the food that came to her—salt pork and black-eyed peas, half cooked bread, molasses, coffee, black and unsweetened. The food was cleaner than that served at Old Capitol, and Dr. Porter had told her it was the regulation food served to Yankee soldiers. But in the hot, unshaded cell, smelling of straw and unwashed clothing, with no table nor chair at which to sit while she tried to eat, she could not force down the crudely cooked and crudely served food.

The third day she sent her trays back untouched Dr. Porter talked to her about it. She was in his charge, he said, and it was his duty

to keep her fit to attend her trial. If she would not eat he would have to resort to forcible feeding; she would not be allowed to starve.

So she tried to eat and in his presence choked down a part of the repulsive food before her. But her stomach had revolted against it, and Dr. Porter admitted at last that it was not perversity on her part that impelled her refusal. In his anxiety to make her able to return to Court after the noon recess, he sent a soldier to bring a glass of lemonade and a piece of toast. He helped her to wash her swollen face and hands; he placed a cold bandage on her aching forehead and he gave her a small white pill. She sipped the lemonade and was able to swallow a few bites of the toast.

On Friday, Lou was recalled to the stand. Instinctively Mary Eugenia realized that Lou was more dangerous than if his terror had been motivated by anger or resentment. His fear gave his tongue no respite and things that discretion should have prevented for his own sake, he blurted out without recognition of their consequences even to himself. Colonel Bingham questioned him again.

"Look at the prisoner, Payne, and see if you ever saw him dressed as he is now—with that coat on."

Payne wore the long gray coat he had worn on the visit when he had called himself a minister. "Look at that vest and see if you have ever seen that vest before."

Lou identified both and admitted that he had not seen Payne wear a white cravat like a preacher. Colonel Bingham retired well pleased with his strategy.

Doster questioned Lou again and forced him to admit, shamefacedly, that he was "giving information to the War Department at the same time he was on intimate footing with Mrs. Surratt and her family."

Lou was followed on the witness stand by Major Smith, who had arrested Mrs. Surratt and Anna. He described how Payne had rung the doorbell, and how he himself had questioned the ragged, forlorn man who had stumbled in. Payne told him, he said, that he had been engaged by Mrs. Surratt to dig a gutter the next day and had come to find out at what time he was to begin his work. He had no home, Payne had said; he made his living with his pick-

axe and shovel. He did not know Mrs. Surratt, but she had seen him working in the neighborhood and had asked him to do this work for her.

Major Smith had searched the house and had found, he said, some pictures of Davis, Beauregard, and Stephens in the back bedroom of the first floor. He was cross-examined at length but was able to add nothing to the knowledge of the Court. Mrs. Surratt had not hesitated at all in her refusal to identify Payne, he admitted, but had done so promptly and emphatically. The gas in the hall was burning brightly, he said. A few moments later, he was asked to identify the coat that Payne had worn. Major Smith picked the wrong one. When offered a second chance he chose one of a different shade and with different buttons. In confusion over his error, he stammered that of course he couldn't see the clothing by gaslight as well as he could have by day. When he had seen the coat on Payne, there had been only a single gas jet burning in the hall.

Over the following Sunday Mary Eugenia reviewed as well as her benumbed brain permitted the accomplishments of the week. The trial so far had merely brought danger closer to her. Freed from the distractions of the courtroom, she began for the first time to grasp the magnitude of the trial. Before, she had been too shocked by her arrest and its aftermath; her perspective had been blurred by her inability to accept the possibility that she could actually be found guilty. That she could actually be thought a murderess, that she was to go on trial for her life, had been so staggering in implication that the means by which her guilt or innocence was to be proven had been overshadowed. Now she realized that she was caught in a maelstrom whose fury she had not grasped before. A great black cloud was settling ominously over her, slowly, so that she must endure to the utmost each moment of mental torture. She started up from her pallet to find herself clutching her throat. "This is insane," she reminded herself. "I must be careful or I will go mad. This is no time to go mad; this is the time I must think. I must keep my wits about me. No one else can think for me. I must save myself."

As she turned the matter over in her mind the solution jumped

at her so swiftly she almost laughed. How silly not to have thought of it before. Mr. Clampitt had said she was not to testify for herself, that it was not customary in military trials. But then, that was probably only a rule made for the protection of guilty people . . . people who did not want to testify or to be asked questions. Accused people who wanted to tell their own stories were always heard. She would ask Mr. Clampitt to obtain permission for her to talk. Knowing, as she did, the things she had not known when she was questioned at Old Capitol, and knowing what the prosecution wanted to prove, she could clear up all questions in a few minutes. She could tell what no one else could. She could tell what really happened at the tavern that Friday when she had left Mr. Booth's package with Mrs. Offutt for Mr. Lloyd. The Commission would have to believe her when she proved to them that Lou had lied only because he was afraid. Lou was always timid and easily influenced. She could show them that.

She could scarcely wait to tell Mr. Aiken. Before his pitying glance her confidence waned.

"I'm sorry, Mrs. Surratt, but there isn't any way at all that we can do that. Army regulations forbid it, and there's no way to go higher than military law in this sort of trial. That's the reason for choosing a Military Commission," he added bitterly, "so their witnesses can say anything they choose, and the accused persons cannot contradict them."

"But the President, Mr. Aiken, the President could give me permission to talk, couldn't he? You don't mean that an innocent person could be convicted and sent to prison and not be able, ever, to say a word for herself, do you?"

"Oh, now, Mrs. Surratt, our case will never come to that. We're getting along just fine. Only yesterday Judge Johnson and some elderly lawyers were talking to Mr. Clampitt and me about it, and they all agreed that the prosecution hasn't yet dug up a single thing that can really count against you. Everyone knows that Weichman is committing perjury as fast as he can talk, lying to save his skin. They won't pay any attention to him, and Lloyd was too drunk to know his own name. We'll get their testimony thrown out altogether. Just don't you worry, Mrs. Surratt, everything'll be all right

one of these days. You'll be going home soon, and you'll forget this ever happened." He patted her hand consolingly while the guard looked and listened.

Never again did Mary Eugenia suggest that she could help her counsel in any way.

On May 22 Court convened at 10 A.M. as usual. The reporters were in their seats early, and a crowd of spectators gathered about the door. Visitors crowded the room every day. Curiosity-seekers and sensation-lovers were disappointed by hundreds, unable to obtain passes, or to gain admission after the pass was obtained. Preferred seats were saved for members of the Radical faction of the Republican party who wished to hear and to see in person how well the case was progressing.

Mr. Forney's reporter for the *Washington Chronicle* recorded that morning before testimony began:

"A great change has come over Mrs. Surratt. For the first time we read in unmistakable letters upon her still features, the record of an ineffable woe. It is not fear, it is not the excitement of a mighty doubt, but withering, blasting woe. She occupies her old corner, her right cheek resting upon her right hand, her eyes closed, but now and then as she raises her hand to smooth back the parting hair on her forehead, her full face meets the eye.

"On that face, whatever apocalyptic sign may have evoked it, certain it is that [the past] thirty-odd hours had been sufficient to paint upon that face a haunting revelation of some horrifying scene. Either from within or without, during the murky hours of the past Sabbath, there has flashed upon that woman some awful vision, either of future woes or some new-lighted memory of past testimony."

Mary Eugenia's face behind her thin veil did not change, although her heart was torn as she saw frightened Honora Fitzpatrick escorted to the witness chair. The girl leaned forward and tried to catch Mary Eugenia's eye, but the latter turned away. She dared not look at Honora lest the tears run down her face and disgrace her. It would be better, too, for Honora, if no sign of friendship

passed between them. Judge Johnson had warned her against any recognition of a witness. It might prejudice the Court if they thought a witness favored any of the accused.

In spite of her timidity, Honora acquitted herself well. Colonel Bingham indulged in no flights of oratory at her expense but kept himself to simple, pertinent questions. The story of her residence with Mrs. Surratt was placed on record. She had seen Mr. Wood at the Surratt house once, Atzerodt once, but Herold, never. She did not know him. Mr. Booth had called there several times. She had gone to the theater with Mr. Surratt and that man Weichman, as Judge Holt contemptuously referred to Lou. She did not remember in which box they had sat. Mr. Booth had joined them after the play.

At the end of the day's session, announcement was made that the Court would adjourn for two days to permit its members to attend the Grand Review of the Armies of the Republic. Court would reconvene on Thursday, May 25.

Released for a time from the tension of daily attendance at Court and from the false energy which such activity demanded, Mary Eugenia sank back into a lethargy from which nothing could arouse her. Aiken came to her room, Clappitt came, and once Judge Johnson, to talk of some details they needed to know. She told them what she knew, as she had so often before, listened with forced attention to what they had to say, and sank back on her bed, exhausted, the instant the door closed behind them.

By May 24, after thirty-seven days of constant wear, her clothing was so rumpled and soiled that no effort on her part could make her black silk dress anything but a wrinkled rag. She had no soap, no comb except her side combs, no towels, no warm water, nothing at all that would aid her in presenting a decent appearance. It was as if the prosecution wished her to appear as bedraggled as possible so that any touch of sympathy for her plight might be discouraged by her disreputable appearance.

She could not produce enough energy to force her broken side combs through the heavy mass of her hair. Her once shining plaits, now dull and untidy, she kept in place by tucking under her bonnet, since the pins that had once held them had been lost, one by one.

Dr. Porter suggested that the long lank strands be cut. Mary Eugenia protested feebly, but small attention was paid to her wishes. While she lay raging with fever, too weak to raise her hands, the doctor's shears severed the long reddish-brown brands and left only a rough, tangled mass on her head and neck. It was fortunate she had no mirror. She would never have recognized in her swollen, blotched face with heavy puffed rings encircling sunken eyes, the serene and wholesome countenance that had looked back at her from her mirror since babyhood.

VIII. *The Defense*

THE PROSECUTION had completed its testimony. All its evidence was before the Court, but it might at any time introduce whatever additional testimony it considered necessary. Now the defense would attempt to break down the structure of guilt the prosecution had so carefully erected. The first step was to assail the credibility of a government witness.

On the first day of the trial the prosecution had introduced one Henry Von Steinacher, who swore that while an engineer officer on the staff of Major General Edward Johnson, C.S.A., in 1863, he had met Mr. Booth in the camp of the 2nd Virginia Regiment. Mr. Booth had been consorting with the Confederate officers and arranging for the abduction of the entire Federal cabinet and the assassination of the President. Von Steinacher had considerable testimony to offer concerning the complicity of the Confederate Government. He had stated that Confederate officers on "detached duty" had been detailed to Canada and its borders to release the Rebel prisoners in Federal prisons, to fire Northern cities as well as abduct the Cabinet and kill the President. He had been dismissed after his testimony, although the defense had protested that they were not receiving copies of the trial testimony until it was too late to recall a witness for cross-examination. Now Von Steinacher could not be found. He was badly needed by the defense for his war record had come to light. He had never been an officer in the Southern army.

On the contrary, he had been a private in Blenker's regiment of New York Volunteers, and had been convicted by court martial of stealing an officer's arms and equipment. He had then escaped and enlisted as a private in the Confederate army, where he had served as a draftsman under Captain Oscar Heinrichs, an officer on Gene-

ral Johnson's staff. Once again he had committed the same offense, had been tried and found guilty. At the battle of Antietam he had been captured by the Northern army and had escaped by representing himself as being in possession of the dead body of Major Henry Kyd Douglass of General Johnson's staff. Major Douglass, not dead, was also to be called to Court.

With his Union record at hand, and promising him a cancellation of his sentence in return for his testimony, the prosecution had introduced Von Steinacher as an important witness. Clampitt submitted a written request to the Court to produce him on the opening of Thursday's session, May 25, explaining why he wished the witness recalled.

"Will the gentleman please state the connection of the request with Mrs. Surratt's case?" asked General Wallace.

"We wish to prove that Mr. Booth was not in Virginia at that time, and I suppose we have a right to prove by witnesses that they would not believe Von Steinacher on his oath."

Pandemonium ensued. Judge Holt protested that so bitter an opinion should not be allowed in the record. General Wallace expressed his contempt for the practice of criticizing a witness in his absence and assailed the traitorous tendencies of persons who attempted to impeach loyal government witnesses. Clampitt finally gained the floor:

"If it please the Court, we are standing within the portals of this constituted temple of justice; we are here for the purpose of defending the very citadel of life, and we have felt it to be our duty to use every exertion that is in our power and consistent with the forms that obtain before a court, to impeach or destroy the testimony of witnesses that can properly be impeached. It was for that purpose that we made this application and for the purpose of shielding the accused, if possible. It was at the same time our bounden duty and an obligation that we owed her, that we should spread before the Court the character of the witness that has been brought here on the part of the prosecution. I make this explanation and I hope it will be satisfactory to the Court."

General Wallace replied smartly that it was not satisfactory to him. Von Steinacher was not found for cross-examination and the

proceedings were stricken from the official records. "In the progress of the trial, every precaution taught by ages of experience and sanctified by authority was set aside," reported Congressman Rogers in 1866.

Mary Eugenia only half understood the issues at stake in the argument. In the short time she was permitted to talk to her counsel each day, always in the presence of an armed guard, it had not been possible for Clompitt to explain much of his plans to her. Invariably, after a few minutes, he had had to hurry away, for many of the defense witnesses had to be sought out at night in order to have them ready for Court by day. Copies of each day's proceedings were always so late in reaching the defense that witnesses could seldom be found without great inconvenience. Prosecution witnesses had to be located, if the defense wished to recall them. Clompitt and Aiken were working sixteen to eighteen hours every day and the long sessions in the anger-laden and suffocating courtroom were affecting their physical reactions as well as Mary Eugenia's.

Judge Johnson, carefully weighing the resentment of the Court toward him, decided that the less frequently he appeared in person the better it would be for his client. Now he seldom came to the sessions but by night went over the day's proceedings with the younger men, and counseled them as to the line to take during the next day's argument. He was preparing a plea to the jurisdiction of the Court, proving the illegality of the trial of a civilian by military commission. The defense hoped for great things from that brief, when it should be made public. It would influence public opinion, and so react on the Court, they hoped.

Meanwhile they would try to offset the testimony against Mary Eugenia by introducing character witnesses while they awaited the return of other much-needed witnesses.

On May 26, Father Wiget came into court for Mrs. Surratt. As he passed Mary Eugenia he bowed to her deliberately. Tears ran down under her veil. She wiped them away with the scrap of bandage that Dr. Porter had provided her in lieu of her own handkerchief, which had long since been reduced to a rag by constant use as handkerchief, wash cloth, towel, and napkin.

Father Wiget explained that he was the president of Gonzaga

College, located between 9th and 10th Streets in Washington, that he had known Mrs. Surratt for many years—ever since her sons had been in his school—that of late years his calls on her had been infrequent due to his many duties, that he had held no political discussions with her at all and had never at any time heard her loyalty questioned. He had never heard Mrs. Surratt make any disloyal statement, but neither had he heard her make a loyal one, since they had never discussed politics, he insisted

Fathers Francis E. Boyle and Charles H. Stonestreet were then introduced, also as character witnesses. Both priests had known Mrs. Surratt for years, the latter since the days twenty years before when he had called on Mrs. Surratt's mother-in-law in Alexandria. Both of them knew her as kindly, amiable, charitable in the extreme, devoted to her family and her Church. She was constant in her religious duties, they declared, and exemplary in her life.

"But notoriously disloyal?" the Judge Advocate suggested. "You knew that?"

"No, not disloyal." They had held only conversations concerning their churchly affairs; they had not discussed politics. They could not agree that she was disloyal since there had been no suggestion of it in their conversations. Under pressure, neither one could recall any statement, loyal or disloyal, she had made. They could only repeat that politics had not been discussed.

The Judge Advocate then made it known that the true test of character was loyalty to the Radical government and the only way to prove loyalty was to produce a loyal statement made by the accused.

Eliza Holohan succeeded Father Stonestreet on the stand. Yes, she had boarded with Mrs. Surratt from the seventh of February, 1865. It was not really a boardinghouse since all the boarders were connections of the family in one way or another except for the young lady, Miss Honora Fitzpatrick, who was an orphan. She had liked Mrs. Surratt very much, very much indeed, she gained courage to repeat. Mrs. Surratt was a very kind lady to board with; she was constant in her church duties. She explained in detail that Mrs. Surratt's eyesight was very poor and that she had never seen her read

or sew by candlelight. Mrs. Surratt had even passed her on the street without recognition because of her bad eyesight.

As she was escorted from the room by Captain Rath, Eliza Holohan turned toward Mary Eugenia and smiled at her. The Court glowered, but the smile had been given and received. Heartened by that glance, Mary Eugenia listened intently as Honora Fitzpatrick returned with the Provost Marshal and was led to the witness box.

Accustomed now to the workings of the Commission, Honora turned her face toward Mary Eugenia for only a fleeting glance. At Aiken's request, Honora told how she came to be living with Mrs. Surratt. She confirmed Mrs. Holohan's story that Mrs. Surratt's eyesight was very, very poor.

"Was Weichman treated in a friendly manner in the Surratt home?"

"He was treated more as a son than a friend," she replied quickly. She herself, she confessed, had bought the picture of Booth found by the police behind Anna's print of "Morning, Noon, and Night." The Judge Advocate glared as Honora related in detail how Anna and she had visited the daguerreotype parlor and had bought pictures of the handsome Mr. Booth and had carried them proudly home. The defense released her, well pleased with her testimony.

Joseph L. Notte was then summoned by Aiken. He identified himself as the bartender of the tavern at Surrattsville.

"Did you see Mr. Lloyd on the fourteenth of April?" asked Mr. Aiken.

"Yes, sir, in the afternoon and again at night."

"What was his condition at that time?"

"Well, Mr. Lloyd was pretty tight, sir."

"In addition to being pretty tight, what was his general appearance and how did he act?"

"He'd been down to Marlboro, and I didn't see him just when he returned back."

"When did you see him?"

"I saw him when he went out to fix Miz S'ratt's buggy. He acted like he was pretty tight then."

"Has Mr. Lloyd been in the habit of drinking a great deal?"

"Yes, sir, Mr. Lloyd, he drank a great deal. He'd been devilish

drunk 'most every day fo' some time past. He'd been drunk 'most every day and night, too."

"Didn't he really have the appearance of a man insane from drink?"

"Yes, sir, there was times when he looked like he was 'bout crazy."

Colonel Bingham, who had been evincing signs of impatience for some moments, now intervened.

"Well, he tied Mrs. Surratt's buggy, didn't he? He was sober enough to do that?"

"We-ll, yes, with some help, he did. He couldn't do it alone."

"He bossed the business, didn't he? He wasn't too drunk to do that?"

"I don't know anything about that. I didn't go out there."

"Now, who tied that buggy? Lloyd or Mrs. Surratt?"

"I don't know, only it wasn't Mrs. Surratt. It was either Lloyd or Weichman. They was both there."

"So you weren't there?"

"No, sir, I wasn't there. I was across the street."

"Do you know just how drunk a man is when you see him across the street?"

"I know how drunk he was when he came back into the room where I was, and I was with him all night."

After Notte's release Captain Bennett F. Gwynne was requested. He was introduced by Mr. Clappitt and released after a short interrogation. He had known the defendant, Mrs. Surratt, for eight years, and he had been present at the tavern on April 11, when Mrs. Surratt had had an interview with Mr. Nothey, who had bought some land from her late husband. He had been party to the transaction and payment would be made through him. He had been at the tavern again on the fourteenth, about four o'clock, he thought, and had seen Mrs. Surratt, who had come again on the same business. He identified Calvert's letter, marked Exhibit 12, which referred to the land purchased by the late John Harrison Surratt from the Calvert estate, in regard to which Mrs. Surratt had come to the tavern to see Mr. Nothey.

Calvert himself then took the stand. He confirmed the testimony

of Captain Gwynne concerning the sale of the land and identified the letter as the one he had sent to Mrs. Surratt.

Father Peter Lanahan, the pastor at Beantown, testified that he had known Mrs. Surratt for thirteen years and that her character in Maryland was that of a good, Christian lady. He knew her very well, he said; he had often visited at her house. He had never heard any question of her loyalty come up and he had never heard her make a disloyal statement.

Father W. D. Young, of St. Dominic's, had known her for eight years. He had great praise for her as a kindly, Christian, and charitable lady.

As John Nothey sidled up to the stand on Friday, May 26, he was visibly ill at ease. He lived in Prince George's, about fifteen miles down, and he knew Mrs. Surratt. He had known her for several years for he had purchased land from her late husband, the old gentleman, in 1852. There had been some correspondence about it.

"Have you been in the habit of meeting Mrs. Surratt at Surrattsville, lately?" he was asked by the prosecution in cross-examination.

"No, sir. Only that once," he replied in alarm. "I still owed her some money on the land an' she wanted me t' settle fo' it. She sent me word that she was comin' down on Tuesday and she wanted me t' come there an' settle for it. That was my business with her, and hers with me. That was all I had to do with it. The only time I saw her."

"Did you not see her on the fourteenth?"

"No, sir, I only saw her on Tuesday, with regard to this land."

An air of relief, almost ridiculous in its intensity, swept over him when he was permitted to leave the stand.

The reporters looked up with interest when Augustus Howell was announced as the next witness.

Gus Howell had gone through too many difficulties with Federal soldiers for a few of them to frighten him, now that he was only a witness. Knowing he would be supported by anti-Radical influences, Gus was obviously enjoying his chance to tell the world. His bearing, if not exactly insolent, was completely void of any suggestion of deference to the Court, lacking only the fine edge that would have made it actionable.

His home was in Prince George's, he said. He knew the Surratt family; when in town he had stayed overnight with them several times. He had once come into the Surratt hall at dusk when the gas was burning. Mrs. Surratt had not recognized him although she knew him well, and he had been obliged to recall himself to her.

Gus knew Louis J. Weichman, he admitted, and had often talked to him. Weichman had showed a strange interest in Howell's ability to cross the Southern lines into Richmond and come back again. Weichman and he had held many conversations concerning the number of Southern prisoners held in Northern prisons. Here Judge Holt objected to the testimony with a violence that stirred General Hunter from his nap and caused General Wallace to look up from his sketches of the accused.

Weichman had said, Gus continued, that his sympathies were with the South and he thought she would eventually win the war.

"Did he say to you," asked Aiken, "that he had done all he could for the South?"

"He did."

"Did he say that he was a friend to the South?" Before the question could be answered Judge Bingham objected and the Judge Advocate sustained the objection.

"Weichman told me the number of men in the fields from the records in his office," continued Gus. He had thought Weichman was bluffing and had said so, but Lou had insisted his figures were official.

"Did I understand you to say that Mr. Weichman expressed himself to you as being a Southern sympathizer?" Aiken revised his question.

"Yes, sir, he did." The defense excused Gus from the stand.

The knowledge that her family, her friends were being humiliated and endangered because of her added to Mary Eugenia's depression. She had no way of knowing whether the very next person brought into the room might not prove to be Johnny. He was present in her thoughts every moment of the day, and her prayers for his safety were intermingled with the hope that he might in some way be able to effect his own safety, and perhaps her own. Wherever he was, she was sure he had not forgotten her danger, if he knew of it. She

hoped that if he did know, he would do nothing rash in his efforts to help her. Her suffering would be easier to endure if only she could know that Johnny was safe, that Anna was protected.

But it was not Johnny who was coming in now. It was Zad. From his appearance she knew at once that he had been in prison, for Old Capitol left its ineffaceable mark on all its inmates. Zad's ruddy color had faded to an unhealthy gray, his alert step, his impetuous manner, his air of complete confidence had yielded to a timorous uncertainty foreign to him. His voice was duller, its loud ringing note of authority had subsided to monotony. Clampitt in his last minute instructions had warned him that he must not give way to anger no matter what was said or insinuated. Zad would only harm his sister if he incensed the Court. He was to answer clearly and plainly, but he must control his fiery temper, lest he harm her more with his manner than he could aid by his words.

Clampitt listened with interest to Zad's story of the promise made by Captain Wood. If Wood could keep his promise, which he swore had been backed up by the Secretary of War, then there was nothing to worry about. They must make every point show in Mrs. Surratt's defense so that there could be nothing to quibble over when the time came to mete out the punishments. The Secretary had authorized the use of promises in obtaining information about Booth and his whereabouts, and Captain Wood and Zad had made their mutual bargain. There was nothing to fear for his sister, Clampitt agreed, but Zad must walk carefully before the Court in his examination.

Zad had been at the tavern on the afternoon of the fourteenth of April, it was established. He was acquainted with Louis J. Weichman and had seen him on that afternoon when he drove up with Mrs. Surratt.

He knew what business had brought her to the tavern that day, for he had seen Mr. Calvert's letter; she had showed him the judgments issued against her property by the county courts, and he had computed the interest on them for her. She had not mentioned any need of seeing Lloyd that day.

"Were you there when Mr. Lloyd drove up, and if so what was his condition?"

"I saw him then an' he was very much intoxicated."

"Was Mrs. Surratt on the point of leaving when he came in?"

"Yes, sir. She was ready t' leave some moments before that, fo' her business was with Captain Gwynne, but when Lloyd drove up she went back an' stopped."

"Has your intercourse with her during this past year, and all the years of the Rebellion, been of an intimate nature?"

"Yes, sir, quite so."

"Have you ever heard her make a disloyal remark about the Government?"

"Not to my knowledge."

"Have you ever heard her say anything that would show her to have knowledge of any plan or conspiracy to assassinate the President?"

"No, sir, I have not."

"Or any member of the Government?"

"No, sir."

"Have you ever heard her mention any plan to capture the President?"

"No, sir, never."

"Have you ever been at Mrs. Surratt's house when troops were passing?"

"I have been there very frequently."

"Can you inform the Court from your personal knowledge whether she was in the habit of giving them milk, tea, coffee, or such refreshments as she had in her house?"

"She often did. I have seen her often, serving whatever she had."

"Was she in the habit of receiving pay for it?"

"Sometimes she did but on other occasions she did not."

"You mean that these troops accepted her refreshments without paying for them?"

"Yes, sir, more often than not."

"From your own knowledge of Mrs. Surratt can you state to the Court whether you ever heard of her committing any overt act against the United States?"

"No, sir, I never did."

"Was it not Mrs. Surratt's constant habit to express warm sympa-

thy for the sick and wounded of our army?" Zad half turned to hear the question.

"Face the Court!" The sudden crack of the voice through the lazy air snapped Zad's head back with a jerk. Angry color rose under his gray skin, but he answered evenly, "I disremember whether I ever talked with her about that."

"Do you know about her defective eyesight?"

"Yes, sir, I haven't seen her read or sew by candlelight fo' years."

As Zad was led from the room, General Hunter announced that they would recess until the next day.

It had been a rich, fruitful day for the defense of Mary Eugenia Surratt. John Lloyd had been publicly branded a sot, drunk on the day he claimed to have received his "instructions" from Mary Eugenia. And Weichman had been revealed as a turncoat, as a purveyor of state information, as a braggart and a liar. These were the voices raised most loudly against her; theirs was the testimony on which the prosecution relied to obtain their conviction. The incriminating picture of Booth found in the girls' room in the boardinghouse had not been the property of Anna Surratt at all, Clampitt and Aiken had established, and three men of the cloth had testified to her good character and, if not to her loyalty, at least to the complete lack of any disloyalty. Only the problem of Lewis Payne remained. Lewis Payne, known to Mary Eugenia as Mr. Wood, who had been arrested in her house, literally with the blood of the Secretary of State on his hands. Under the eyes of half a dozen officers, she had failed to recognize him—pretended not to recognize him, the prosecution had insinuated. Only Payne himself could explain why he had staggered to the boardinghouse after his attempt at murder, only Payne could clear Mary Eugenia completely of foreknowledge of his intentions. And Payne was in the hands of the prosecution, of Stanton, and would not be permitted to speak out. But one thing the defense had accomplished. They had shown again and again that Mary Eugenia's eyes were weak, that the light in the hallway was dim. There was good reason why she might not have recognized him. The other defendants, even Dr. Mudd with his influential friends, would not fare well at the hands of the Commission, Clam-

pitt, Aiken, and Johnson agreed that night, but things were looking up for Mrs. Surratt.

On May 30, the defense called Anna Surratt to the stand. For three days she had been left waiting in a bare little room on the second floor of the arsenal penitentiary, away from the other witnesses, away from Lou Weichman. It was a month to the day that she and her mother had been separated. Captain Rath anticipated a highly disagreeable scene when the girl saw her mother for the first time in the prisoner's dock. It would be better, he decided, if she did not see her at all, under the circumstances. When Court convened at ten in the morning, ready to hear the first witness, a line of soldiers was drawn up before the dock. And hidden behind the line, seated in her corner, was Mary Eugenia. It was unlikely that a witness entering the courtroom for the first time, with her eyes on the guard who preceded her, would see the motionless black-robed figure of Mrs. Surratt.

Ten minutes after Court convened, Captain Rath came to Anna's door, announcing that the Court was now ready to hear her.

The girl's hands were icy as she stumbled up the steps to the third floor. At the door of the courtroom her courage almost failed, but clenching her handkerchief tightly in her hands, she moved down the aisle, preceded by Captain Rath.

She glanced about her swiftly, looking for someone she did not see. Conscious of all eyes on her, she collected herself quickly and moved with dignity and poise. Her black skirts rustled crisply, her tiny straw bonnet with its black ribbon shaded her eyes, but from under long lashes she was seeking, seeking a glimpse of her mother's face, while her black-gloved hands turned her handkerchief over and over.

Captain Rath assisted her to the witness stand and retired to the back of the room. Before her the room swam. Blue uniforms, gold braid, heavy-bearded, stern faces, varnished boots, and clanking swords were there, but not one friendly face, the face she sought. She laid her hand on a Bible when told to do so, and followed as best she could the mumbling of an oath administered.

"Please state your full name." Aiken's friendly, reassuring tones came from somewhere behind her.

"Anna Surratt."

"Are you acquainted with the man, Atzerodt?"

"I have met him."

"Where did you meet him, Miss Surratt?"

"At our house in Washington."

"When did he first come there?"

"I don't remember exactly when it was, some time after Christmas. Febr'ary, perhaps."

"How long did he stay?"

"I don't know exactly. He called several times and asked for that man, Weichman." The reporters' pencils raced across the pages. "That man, Weichman." The phrase had been spoken before, but not with Anna's inflection. This was good copy.

"Can you state from your own knowledge whether he was given to understand that he was not wanted there?"

"Yes, Mama said she did not care about having strangers there but she thought he was someone from the country who wanted to see my brother so we treated him with the same politeness we did everyone else who came to our house."

"State whether or not you know of frequent instances in which your mother failed to recognize acquaintances or friends."

Mary Eugenia listened to every tone of Anna's voice. Part of the ache in her heart was stilled when she saw her daughter before her, composed and safe. Anna's voice was even and earnest in her effort to convince the officers before her of the truth of what she was saying.

"Yes, sir. Her eyesight *is* bad and she often fails to recognize persons she knows well."

"Are you acquainted with Louis J. Weichman?"

"Yes, sir. I have seen and have heard of him." General Hunter opened his eyes at her tone.

"When he was boarding at your house, how was he treated?"

"He was treated too kindly."

"Was it or was it not your mother's custom to sit up and wait nights for him to come in?"

"When he was out my mother would sit up an' wait for him just the same as she did for my brother."

"When was the last time Atzerodt was at your house?"

"I don't remember exactly when it was, but Mr. Weichman engaged the room for him. They had been sitting in the parlor and had made several signs over to each other. Mr. Weichman and he then left the room and Mr. Weichman came back and asked Mama if she would have any objections to Mr. Atzerodt staying that night, as he did not feel at home in a hotel. After thinking for some time she said, 'Well, Mr. Weichman, I have no objection.'"

"At what time did Payne first come to your house?"

"I don't know when he first came."

"How many times did he come and how long did he stay?"

"Mr. Payne—or whatever his name is—stayed one night the first time he came. I did not see him any more for several weeks after, then he came one night when we were all in the parlor. Weichman let him in and I recognized him as the one who had been there under the name of Wood. I didn't know him as Payne at all. I went downstairs to tell Mama he was there. She was in the dining room and she said she didn't see why strange people should call there, but perhaps it was someone to see my brother. She treated him kindly just as she treated everyone. He called once or twice after that, but I couldn't say just how long after."

"Did he ask for accommodations that night?"

"Yes, sir, while we were sitting in the parlor, he said, 'Mrs. Surratt, if you have no objection, I will stay the night. I intend to leave in the morning.' And I believe he did stay the night and leave in the morning."

"Were you acquainted with John Wilkes Booth?"

"Yes—yes, sir. I have met him."

"Do you recollect the last time he was at your house?"

"Yes, sir." Anna struggled to control the tears that were near. "He—he was there on Friday or Monday. I don't remember which day it was. I didn't see him—I just heard he was there."

"Did your mother go to Surrattsville that day?"

"She went on Friday, the day of the assassination."

"Was her carriage ordered or not, and at the door to go to Surrattsville, at the time Booth called?"

"I think it was. I heard someone coming up the steps just as Mama was ready to start and the buggy was at the door. I had been out and when I came in I found Mama preparing to go to the country. She had been talking about it during the day before Booth came, and perhaps the day before that. She said she was obliged to go on some business in regard to some land."

"How long did Booth remain on that visit?"

"A very few minutes—but then he never stayed long when he came." How short the time had seemed on those lost days.

Aiken produced an exhibit. It was the picture, "Morning, Noon, and Night."

"Do you recognize this picture as having ever belonged to you?"

"Yes, sir, it was given to me by that man, Weichman."

"Was any other picture ever attached to it?"

"Yes, sir, I put one of Mr. Booth behind it."

"What was your object in doing that?"

"I went with Miss Fitzpatrick to a daguerrean gallery to get the pictures she had had taken and Mr. Booth's pictures were offered for sale. We bought two of them, an', when my brother saw mine, he told me to tear it up and throw it in the fire or he would take it away from me. So I hid mine."

"Did you own any photographs or lithographs of the leaders of the Rebellion?"

"Yes, sir, I had pictures of Mr. Davis, Mr. Stephens, and General Beauregard, Stonewall Jackson, and perhaps a few others."

"Where did you get them?"

"My father gave them to me an' I prized them on his account, if no one else's."

"Did you have any pictures of Union generals?"

"Oh—yes, sir."

"Who were they?"

"General McClellan and General Joe Hooker."

"Now, the last time you saw your brother, Miss Surratt. How long would that have been before the assassination?"

"The Monday after would be two weeks."

"Have you seen him since that time?"

"No, sir, I have not."

"Was your brother on friendly terms with John Wilkes Booth?"

"He may have been. Mr. Booth called to see him some times."

"How often?"

"I don't remember exactly how often he came. I remember one day when we were sitting in the parlor, Mr. Booth came up the steps and my brother said he believed the man was crazy an' he wished he would attend to his own affairs and let my brother stay home. He told me not to leave the parlor, but I did. . . ."

Here Colonel Burnett interrupted with beguiling gentleness,

"Miss Surratt, you ought to be cautioned here, and the counsel, also, that the statements of Mr. Surratt or Mr. Booth, or your mother, are not complete testimony. You should simply state what was done and not give the statements of the parties. Counsel should not ask for such statements."

Aiken nodded. "Did you at any time in your mother's house, or on any occasion, hear a word breathed as to a conspiracy to assassinate the President?"

"No, sir, never at any time."

"Or any member of the Government?"

"No, indeed, sir. Nothing of the kind, never."

"Did you ever hear any mention of a plan to capture the President?"

"No, sir, I have never heard any such thing mentioned, ever."

The witness was now the prosecution's. A whispered conference went on at the Judge Advocate's table. Anna, left alone, glanced about her and tapped with her foot against the stand. It was evident to the defense lawyers that the prosecution was unwilling to cross-examine the witness and had already sent for Captain Rath to escort her from the room.

"Where is Mama?" she suddenly asked. Her trembling voice, the swelling lines of her throat showed the intensity of her emotion.

General Ewing with an evident desire to keep her occupied until the Captain should come for her, stepped near the witness box.

"When did you leave school, Miss Surratt?"

Anna looked up quickly and answered in her high, sweet voice,

"In July—" but she did not stop her frantic survey of the room. "Where is Mama?"

"The witness is excused," announced General Hunter. Major Henry Kyd Douglass, who was seated behind the Commission's table in civilian clothes, approached her quickly, offered her his arm, and assisted her from the stand.

"Where is Mama?" she shouted as she stood erect. This time the fright in her tones was unmistakable. "Where is Mama? I don't see her."

Douglass led her as rapidly as she could walk down the aisle to the main door, keeping her back to the dock where Mary Eugenia sat with tears coursing down her face. As Anna passed the Commission's table, her handkerchief, which she was still turning in a quick, nervous grasp, fell from her fingers to the floor. General Kautz picked it up and handed it to her. Unable to say a word of thanks, she gave him a quick faint smile through her tears and passed on by. Captain Douglass released her hand to Captain Rath, who had come forward to meet them. The Court breathed easier when the door closed behind her.

Captain Christian Rath, ex-harnessmaker of Carlisle, Pennsylvania, for all his adventures in the field, had had no experience with hysterical girls. His wits were no match for his involuntary sympathies, as he listened to her. They had storied to her, she wailed, everyone had deceived her. Even her mother's lawyers had lied to her. If she couldn't believe them, whom could she trust? They had promised her she could see her mother. They had said that her mother would be there. Her mother was dead, they had killed her mother. Her dear, kind mother, who never in all her life had harmed a living soul . . . her mother who would have died rather than plot against anyone in the world . . . to accuse her of helping to kill anyone was like accusing the Holy Mother of cruelty.

Captain Rath was in a panic. At any moment now, the courtroom door might open and a sternly-accusing general, covered with gold braid, order the racket hushed up out there. Anna dropped into the nearest chair in the corridor outside the courtroom.

"They've killed her—they've killed her—she wasn't there—they said she'd be there. . . . She's dead or she'd have been there."

In desperation Rath pulled the thin hands away from the girl's face.

"Now, you lissen t' me!" he commanded. "Your mother's not dead. She's chust as alive as you are . . . you chust ditn't see her, that's all. Now, you lissen." Heartened by the fact that he had at last pierced her hysteria and that she was listening to him between sobs, he continued. "You chust ditn't see her, but she's in that courtroom, same as they said she'd be. She's sittin' up there with the rest of them an' she's hearin' you now. You're doin' her no goot by all this screamin' an' yellin' and carryin' on. The offissers is mad enough without you makin' 'em any madder. You'd better hesh up."

"She wasn't there—she wasn't there—I'd have seen her."

"Yes, she wass. She wass so. Settin' right up there behind a row of soldiers. I put a row o' soldiers up in front o' her. She's behind 'em."

"Behind? Behind? Behind soldiers? Did you dare to hide her from me? Did you?"

Anna rolled her handkerchief into a tiny sodden ball in her hands. She spoke slowly and clearly, glaring at the red-faced bearded Captain.

"Yankee!" she said. "Mean, old Yankee!" and fell forward senseless into his astounded arms.

For Mary Eugenia the days passed as in a dream, a simmering, sultry dream in which all contact with reality was lost. More and more, she dwelt in the past, awake and asleep. She dreamed of nights at home, of the honeysuckle on the fences, of Rachel singing in the kitchen near the springhouse, of Little Johnny riding his new black horse, of Anna setting up her first playhouse with the rose-sprigged tea set. Sometimes she dreamed of John Surratt as he had been when he came courting, young, tall, handsome, and she herself was once more young and slender, enraptured by the suitor who bowed over her hand and entreated her smile. This was the lover of her girlhood, the husband who had bent over her to see the tiny bald head of Isaac Douglas as he lay red and crinkled in the curve of her arm. This was happiness lost in abolition, in states' rights, in the enveloping folds of middle-aged flesh, in juleps, debts,

and neighborhood quarrels, in widowhood and war. It was a pleasant past, to which she fled in her mind whenever the proceedings of the Court did not concern her directly. She knew very little of the matters discussed. Never had she seen Dr. Mudd before. Never had she seen Arnold, Spangler, or O'Laughlin. She had never heard their names before their common indictment.

She dragged wearily into the courtroom each day and sat half-dozing through the endless sessions and arguments. She was not aware that Anna Ward had been called to the stand the morning of June 3, until the girl's clear familiar voice compelled her attention. Her lawyers were still attempting to establish the fact of her myopia.

She had known Mrs. Surratt about eight years, Miss Ward said. On one occasion she and Mrs. Surratt had passed each other on the street and neither had recognized the other. She was nearsighted, too, she confessed in some embarrassment, and once when she had been laughed at for not seeing things that other people saw, she and Mrs. Surratt had discussed the matter. It had comforted her to know that someone else suffered the same inconvenience and understood her embarrassment. And then, as soon as Mary Eugenia had become accustomed to her presence, Miss Ward was dismissed. She hadn't said much, nor could she have had much to contribute under any circumstances. But the next witness created a furor that awoke the entire courtroom.

John Holohan had been recalled by General Ewing as the defense's witness. The Judge Advocate privately doubted that his recall was wise, since the prosecution's questioning of John Holohan had been circumspect in the extreme—and advisedly so. Although he had been unable to check the request, Colonel Bingham undertook to see that the questioning should not be without difficulty for the defense. The interrogation proceeded smoothly enough until General Ewing asked quietly:

"Will you state to the Court whether the witness, Weichman, gave himself up voluntarily after the assassination?"

Bingham was on his feet in a moment. "The witness need not answer that!"

General Ewing explained his stand in unmistakable terms.

"The testimony of Weichman bears pretty strong evidence upon

its face that he was either a co-conspirator or else that many of the statements he made were wholly untrue. I wish to show to the Court by this question and by other questions that he acted very much as if he considered himself implicated in the crime of assassination. I have closed no part of my case," the General went on, "and I have the right to impeach the character of Weichman. My inquiry in regard to Weichman is an inquiry for the purpose of proving acts of his associated with Booth and other men connected with the conspiracy. I want to show the Court acts of his tending to show that he really was a guilty party in the plot to kill the President; and if I show that he was, or make it appear that he was, the fact that he is not indicted, not charged, but that he appears here, turning state's witness, will tend, very much, I think, to impair the value of his testimony. My purpose is to show that he occupied the position of conspirator and that he comes here to clear himself by giving swift witness against the others."

"I object!" shouted Burnett, striving to make himself heard above the buzz of comment that followed this statement. "The evidence is incompetent, illegal!" His face was purple with the heat of the day and the fury of the moment.

"Sustained." General Ewing favored the Judge Advocate with a glance such as no other counsel for the defense would have dared bestow. His brother-in-law, General Sherman, ranked every member of the Commission and the two generals were known to be on amiable terms. The furor subsided. John Holohan was an interested spectator, his bright black eyes taking in the scene and his quick brain recording its significance. He might testify as to what he had done, but he could say no word of what Lou had told him.

"You took Weichman to Major Richards, yourself, did you not?" asked General Ewing when he resumed his questioning.

"Yes, sir, I did."

"Why did you do that?" The General could not be entirely routed.

"I took him to the police because of an expression he used." John Holohan was enjoying the opportunity to assist the counsel in drawing a picture of Lou in terror of arrest.

"Was that expression—the expression that Weichman used—an expression of wishing to be delivered up to the police?"

"No, sir, it was a wish *not* to be turned over to the police!" There! It was out now and the prosecution could do what they wished about it. Let Lou get around that, John congratulated himself, as he stalked cockily out of the courtroom.

Dismayed by the defense coups of the past week, the prosecution was prepared to introduce additional "necessary" testimony when Court reconvened on June 5. Dorley V. Robey of Surrattsville—now Robeysville by a postoffice decree of May 3—was the first witness of the day. The three Judge Advocates would have much preferred to present his son Andrew, but too many Prince Georgians were available to the defense who would willingly swear to the feud between the new postmaster of Robeysville and his predecessor. And, too, young Robey had canceled his usefulness to the prosecution by his excessive zeal in behalf of the detectives who canvassed the county in the early days of the search for Booth. He had raged and stormed and unearthed astounding clues. He had sworn loudly and often that he had heard conspiracy discussed in the Surratt household and postoffice and tavern and bar. The press had finally taken cognizance of his activity in the public weal and had portrayed him in print and drawings as a veritable Gilpin on horseback, leading forays and sallies in marsh and glen, following the will-o'-the-wisp of the hundred-thousand-dollar reward. His father was less spectacular and less likely to attract the sarcasm and gibes of the press.

"Are you acquainted with John Zaddoc Jenkins of Prince George's County?" Judge Holt asked Dorley V. Robey.

"Yes, sir, fo' sev'ral years."

"Is he a loyal man by reputation?"

"He's the mos' out-en-out *disloyal* in our districk."

"Do you know this of your own knowledge?"

"Yes, sir, an' by observin' of him. He got so outrageous that I had t' apply t' Gin'al Wallace in Balt'more t' have him a-rrested. After that he behaved hisself a little better." General Wallace looked up at the mention of his name.

"Is he known and recognized as an outspoken enemy to the United States?" Judge Holt repeated.

"Yes, sir! I've heard him cuss the Pres'dent o' the United States

to all intents an' purposes, an' he said, 'ole Linkun, th' demmed ole son-uv-a-bitch,' offered him a office under him, an' he wouldn't hold no office undeh sich a damned creature or guv'mint."

Clampitt took over the cross-examination. "Were you a resident of the county with Mr. Jenkins in 1861?"

"I wasn't a res'dunt then."

"Then you did not know that Mr. Jenkins was a strong Union man in '61?"

"I knew him to be a Union man till 'bout three years ago las' fall. He was a Know-Nothin',* an' I was a Know-Nothin', too. We advocated the Know-Nothin' principles togetheh."

"When did he abandon the Know-Nothing party?"

"About three years ago this fall. He lost a niggra an' it seemed like his loyalty lasted only as long as the niggra lasted. Soon as he lost his niggra, his Union principles was abandoned."

"Then you did not know that Mr. Jenkins in 1862 and 1863 came into the District to get citizens who had left Maryland to return and vote the Union ticket?"

"I know nothin' of the so't."

"Do you know that in '62 and '63 he was considered a Union man because he raised a Union flag after the first battle of Bull Run?"

"I know nothin' of it. I think the only flag he raised was a Know-Nothin' flag an' he raised that sometime before that."

"What is a Know-Nothing flag?"

"Why—it's a flag used by the party. It might 'a' bin a Union flag. It was raised by that party."

"Then if I understand you, the Union flag and the Know-Nothing flag are synonymous?"

"Yes, sir. That's the reason I b'long to them."

* Know-Nothings was the popular name applied to members of the Star Spangled Banner or American Party, which was an ultra-nationalist secret society opposed to the influence of the Catholic Church in politics. Organized in 1850, it operated with secret passwords, ritual, and membership lists, under national and local councils. Members were required to vote for party candidates regardless of their personal opinions.

Between the Know-Nothings, the Free Soilers, the Temperance Party, and the division of the Whigs into Woolly-Heads and Silver-Grays, and the Democrats into Hard and Soft Shells, the party lines of the time were scarcely distinguishable except for their stand on slavery.

"Now, as a general thing, were not the Know-Nothings in Maryland generally considered to be a body of Union men and the Democrats the pro-slavery or Rebel sympathizers?"

"Yes, sir. Th' Know-Nothin's were Union men but they was a good many of 'em like Misteh Jenkins who went over to the Rebels, soon as they was a division of parties."

"Is there a suit pending in the United States Supreme Court between you and Mr. Jenkins?"

"No, sir, I bear no malice t'ards any man livin' on th' earth today."

"Do you know of any suit pending between you and the citizens of Maryland?"

"I know of a suit pending 'gainst my son, Andrew Robey, who was appointed depity United States Marshal fo' the purposes o' carryin' out Gen'l Schenk's orders at the 'lection. Colonel Baker had a comp'ny o' men there an' my son suggested to Colonel Baker's cap'n, that he better 'rrest that man, Jenkins."

"What is the nature of the suit against your son?"

"Prosecution fo' false impris'nment, I b'lieve."

"You mean there is a state execution against your son for attempting to enforce Federal authority?" Judge Advocate Holt broke in.

"Yes, sir, the Fed'ral authorities took steps to have it removed to the United States courts, an' they have the management of it now."

It was a delicate situation and Mr. Robey was quickly dismissed, since the defense had no wish to delay the presentation of their case any more than was necessary and the prosecution already regretted its haste in subpoenaing Robey in the first place. Still undeterred, however, the Judge Advocate presented as a witness for the prosecution the Reverend W. A. Evans, pastor of the Negro Granite Church in Baltimore County, who assured the Court that he had seen Dr. Mudd enter the Surratt house on H Street a few months before the murder. Under cross-examination, he admitted in some confusion that he was not sure that the house the doctor had entered was actually on H Street, nor could he specify the date in terms less vague than months. All in all, the morning's testimony had merely served to delay the appearance for the defense of none other than Captain William P. Wood.

"State your occupation, please," began Mr. Clampitt.

"Superintendent of Old Capitol Prison."

"Do you know the witness, J. Z. Jenkins, and if so, for how long?"

"Well, I've known him 'bout six-seven years. I reckon that's 'bout right."

"Do you know his reputation for loyalty?"

"I always considered him a right loyal man. Never heard anything t' the contrary."

"Did he not labor and urge his friends to labor for the Union cause?"

"Yes, sir, I b'lieve he did. I remember in '61, when I went out t' git him t' vote for Mr. Holland, he said he wuz under obl'gations to Mr. Calvert, who once owned that section of land, but he b'lieved him t' be as good a Union man as any in the county."

"Were you sent out to operate in Maryland to insure the success of the Union ticket?"

"I wasn't jest exactly sent—I wuz just asked t' help elect Mr. Holland."

"Did Mr. Jenkins co-operate with you?"

"Well, he went for Mr. Calvert, but he did agree t' do all he could against Harris, who wuz said t' be a Copperhead and a disunionist."

"Can you speak of your own knowledge of the flag episode?" The Captain could. In his drawling, leisurely fashion he related a colorful story of the raising of the flag that Zad had obtained from the Navy Yard, mentioning even the name of John Murphy, the butcher, who had procured it for him.

"Have you ever heard any doubt cast on the veracity of Mr. Jenkins?" The Captain had not.

"Do you know the reputation of Mr. Robey?"

Wood cast a quizzical look toward the Commission. "Prince George's people are rather dissatisfied with th' Admin'stration over the slavery question. Robey holds office under the Admin'stration, so they don't like him only jes' *so* much."

"Did you or did you not receive from Mr. Jenkins, first of all, information submitted by you to the War Department which led to the final capture of Mr. Booth?"

"Yes, sir, in the early stages of the affair, I got some info'mation

from Mr. Jenkins which I turned over to Judge Turner, adjutant of the prison."

"Do you not consider that a loyal act?"

"Yes, sir, I do, an' I was confident when I started off, that Mr. Jenkins would give me the info'mation if he had it in his possession. I called on him, an' he did give it t' me."

"Did you ever hear him utter a word against the United States? I don't mean this Administration, I mean the United States itself?"

"No, sir, I never heard him utteh a sentiment aginst it."

"You never heard him say he hoped the South would win?"

"Never. I have heerd him express himself positively th' other way. But he *is* mad 'bout this Admin'stration. But that's only jest lately he's bin mad."

"Is Mr. Jenkins now under arrest at Old Capitol?"

"Yes, sir, he's committed t' Old Capitol as a prisoner there. I don't know jus' what for."

Judge Advocate Holt now took over. "Do you state that you have understood him lately to be hostile to the Administration?" he asked.

"Yes, sir."

"Do you understand that to be hostile to the Administration is to constitute disloyalty, as being in opposition is to be a public enemy?"

"No, sir, I never regarded Mr. Jenkins in that light. I always considered him influential in the county an' always solicited his aid in 'lection times."

"Don't you consider hostility to the Government disloyalty?"

"We-ll, lately, I've not consid'ed him jus' *so* strong on the subjec' . . . I don't jes' like that state o' affairs, so I ain't had quite so much p'litical reliance on him as I used t' have but—" The Judge Advocate was forced to content himself with this grudging admission. Wood obviously, for all his influence on Stanton, did not wish to jeopardize his own favored position with the Administration by too whole-hearted defense of Zad.

Zad returned to the witness stand on June 7. The question of the Know-Nothing flag had still to be settled. In response to Aiken's questions, Zad related:

"I think it was about the time of the first Bull Run fight or afteh. I sent downtown an 'asked John Murphy at the Navy Yard to

send me a U. S. flag. I an' several of our neighbors raised it. They was a report afteh a while that it was goin' t' be taken down by some o' the Secession sympathisehs. I went 'round the neighborhood an' collected some twenty-thirty of us, with our muskets an' double-barreled guns, whateveh we had, an' we lay there all night t' keep it up."

"You stayed around the flag more than one night?"

"One night an' a day, I think, we was there."

"State to the Court the circumstances, if any, of your spending your means to get Union voters into Maryland."

"There was but one man in my distric' at that time, that advocated that pa'tickler cou'se. They were all Democrats, except myself. I was th' only one that had a dollah to expend. An', indeed, I did not have it then, but I used it when my fam'ly was in need of it."

"Did you come into Washington to get voters or not?"

"Yes, sir, they was Richard Warner, here, worked at the Navy Yard, had moved there but not long enough to lose his residence here. I made it my business to go git him t' go t' the polls an' vote."

"Have you not always been a firm and consistent loyal supporter of the Government of the United States?"

"I have always been a loyal man. I never had any intercourse or had any thing t' do with the enemies of my country."

"For whom did you vote for Congress in 1862."

"In 1862 I didn't vote at all. I was arrested on th' mo'ning of the election and wasn't suffered to vote."

The reporters smiled. It was not the first time they had heard of unusual steps to ensure the election of favored candidates.

"Did you take the oath of allegiance when they were voting on the adoption of the new Constitution?"

"Yes, sir, I voted that day."

"Did you make any objection to taking the oath?"

"No, sir, there was no objection made at the precinct at all that I remember."

"You may state to the Court for whom you voted last time for member of Congress."

"I voted for Harris. I voted the Dem'cratic ticket for the first time

in my life, an' Andrew Robey, he voted the Dem'cratic ticket, too."

"You had always been an Old Line Whig?"

"Yes, sir, always."

"Have you suffered any property loss since the beginning of the war?"

"I have suffered the loss of my nigras."

"Did you make any complaint about that?"

"When the State declared her new constitution I was willing to let them go." Tactfully, he did not add he still hoped there might be compensation for the planters' losses.

The prosecution in its cross-examination established only that Zad had an uncontrollable temper, which Zad himself freely admitted.

It had become evident even to the more obtuse members of the Commission that no witnesses of unimpeachable character could be produced to testify to Mrs. Surratt's disloyalty to the Government. It was their purpose, then, to establish if possible the disloyalty of Mary Eugenia's blood relations, on the tacit assumption that treason and the blood stream were interrelated, that disloyalty was hereditary. Since the Judge Advocates had made much of the discovery of the Virginia arms in Anna's room, carefully implying Mary Eugenia's approval of its motto: *Sic Semper Tyrannis*, Senator Johnson urged his young colleagues to destroy the implication by recalling Anna to the stand.

Anna had been given several days in which to recover from the strain of her first appearance and on the seventh of June re-entered the courtroom. She now knew where her mother sat and was aware of the trick played on her before. As she followed Captain Rath down the aisle, she succeeded in catching one quick glimpse of her mother before the guards shut her from sight, long enough to assure herself that Mary Eugenia was at least strong enough to sit alone, without support. It was in a far better frame of mind that she answered the few questions Aiken asked her. He handed her first Exhibit 52, the card bearing the coat of arms of the State of Virginia and signed with her name.

"Do you recognize this?"

"Yes, sir. I recognize it."

"Is it yours?"

"Yes, sir, it is mine. It was given me by a lady about two years and a half ago. I asked her for it and it was among my papers until now." No, she answered unhesitatingly, her mother knew nothing of it. Why should she? She explained again for the tenth time since her arrest that she was her mother's only daughter, they had moved into town the preceding autumn, she had never seen Dr. Mudd at her mother's house at any time, in spite of the statement of the Reverend W. A. Evans.

It was Anna's last appearance in the courtroom under arrest. Two days later, she received word that if she would be good enough to call at the office of the Secretary of War, she would be given the keys to her own home and permission to resume custody of the house. At the same time, the articles impounded at the time of the arrests were returned to her, the photographs found in the house, some family letters, the papers of pins and "two needles, one threaded," one sheet of notepaper and six envelopes, all of which were on the inventory.

Honora Fitzpatrick was released with her. The Holohans returned to the house, taking their old room back. Father Walter and Father Wiget visited within an hour of Anna's return, bringing the comfort of their presence and a sum of money which their congregations had contributed to tide the girl over until her mother should be released, too, and their life return to normal. It was good to be back, in familiar and well-loved surroundings once more, with loyal and well-loved friends around to share her tribulations. And then, on Monday, two days after her return home, Anna received word from Clampitt that he had obtained a pass for her to visit the courtroom as a spectator and that after the Tuesday session she would be allowed to see her mother.

Court was still in recess for lunch when she arrived. She was instructed by Captain Rath to enter the courtroom and there await her mother's entrance. He might be able to bring Mrs. Surratt into the room a few moments before the opening of the session, he said, and Miss Surratt might see her then. Only she must remember there could be no conversation in the courtroom, and she could

only sit down where she could see her mother without speaking to her until after the Court had adjourned for the day.

She took a seat at the table reserved for the reporters, but which was vacant during the lunch hour. She had dressed in black, as usual, and wore her tiny straw bonnet with its black ribbon. Her lacy handkerchief was inadequate to absorb the tears that flowed not only from sorrow but from the nervous tension that controlled her every move. She wept silently with short impulsive sobs.

One by one, court attendants and reporters began to saunter back into the room. The hum of their conversation ceased instantly as they recognized the girl. A tense and expectant silence fell over the room as her purpose became evident. She sat facing the heavily-studded door which separated her from her mother, watching it unwaveringly, expecting every moment to see it open and admit the guard who preceded the prisoners. So intent was she upon that door that she scarcely knew she was the cynosure of every eye in the room or that the expectant hush turned into a vague apprehension of a painful scene when Lou entered the main door and passed within a few feet of her. Something about his hesitant step when he saw her sitting there attracted her attention. She looked up sharply, gave him one hostile glance, and turned away her head. The reporters recorded the scene from the rear of the room, unwilling to disturb the girl by claiming their seats. The heavy door swung open and a crowd of officers and soldiers filed in through the south entrance. The rest of the press representatives now entered, and Anna, now aware that she had taken a seat obviously meant for someone else, walked toward a vacant chair.

As she was about to seat herself, her eyes fell upon the veiled face of Mary Eugenia, who was moving down the aisle. Shock held her motionless, neither sitting nor standing. There was no outcry, no motion. For a second of time they looked into each other's eyes and each slowly shook her head. Anna subsided weakly into her chair, close to the railing, her back to her mother. She looked about dazedly, as if to assure herself that her mother was still there, and relapsed again into soundless sobbing that tore at her throat and lungs.

Minute after minute passed, relieved only by Anna's occasional

instinctive turning toward her mother. The room was subdued with sympathy, and only the rustle of whispered regrets for her grief broke its hush. For over an hour the spectators watched the agony of mother and daughter. The silence was more oppressive than any hysterical outburst of emotion could have been.

At the opening of the Court, Mrs. Offutt was recalled as a witness for Mary Eugenia, and Clampitt conducted her examination.

"Mrs. Offutt," he began, "did you see Mr. Lloyd on the morning of the fourteenth of April?"

"Yes, sir."

"What was his condition then?"

"Mr. Lloyd was very much in liquor, more than I have ever seen him in my life. I insisted on his lying down, which he did for a few moments and then he got up again and said he was too sick, an' he'd stay in the dining room. I had to help take off his coat, myself. I never saw him more in liquor than on that occasion."

"Had he or had he not been in the habit for some time past of drinking freely?"

"Yes, sir, for the past four-five months I have noticed it."

"After Mrs. Surratt went away the evening of the fourteenth, was anything said with reference to her by Mr. Lloyd?"

Colonel Bingham objected hastily and Clampitt waived the question.

"Were you present when Mr. Lloyd made a full confession to Captain Cottingham?"

"I didn't hear his full confession, but I did hear the remarks he made on th' Sunday night he was brought up to Washin'ton from Bryantown."

"Did he on that occasion say of Mrs. Surratt 'that vile woman, she has ruined me?'"

"No, sir, he did not. I did not hear him say it, and I was there all the time he was in the room."

Aiken now addressed the Court.

"May it please the Court, I would like to state that at the time Mrs. Offutt gave her testimony before, she was very unwell. If I have been correctly informed, she had been suffering considerably from illness and had taken a quantity of laudanum. Her mind was

distinctly confused at the time. She now wishes to correct her testimony in an important particular."

Colonel Bingham leaped to his feet in alarm. "How does it come that she makes the counsel the medium through which to correct her testimony? He did not call her before. We called her ourselves. I should like to understand this part of the business."

"We now call her as our witness and so propound the questions to her."

"That's not the point!" Bingham was rapidly turning his customary purple.

Aiken, equally angry, interposed, "She has a right to correct her testimony, and every witness here has the same opportunity."

Mrs. Offutt now took the floor herself. "After I left here the other night," she observed calmly, as if unaware of the argument, "I thought of some questions that had been asked me and I requested Mr. Aiken to mention it to the Court."

"Is it something you swore to here in Court?" Bingham asked.

"Of course I took the oath when I appeared here," testily replied the lady.

"Do you want to correct anything you have sworn to here in Court?"

"Yes, sir, I should like to do so." Mrs. Offutt was undaunted.

"Then make your own statement of what you would like to correct and what you swore to before." Colonel Bingham was not pleased.

"I was asked if Mrs. Surratt gave me a package, and I said no. But she did give me a package. She said she was requested to leave it there. I asked her what it contained—"

Mary Eugenia gave a faint gasp and half closed her eyes. Mr. Clappitt had been able to talk to Mrs. Offutt. Mrs. Offutt now understood how important the package was. Everything would be all right now.

But Colonel Bingham understood, too. "You need not state anything she said to you or anything that took place between you," he loudly informed Mrs. Offutt.

"But the package was handed to you by Mrs. Surratt?" Aiken

was triumphant. This was important—this would clear his client. "At what time in the afternoon was it?"

"I expect it was between five and half past, between five and six, anyway."

"Did you learn afterward what the package contained?"

"You need not state that!" Bingham shouted, angrily insistent.

"If the witness had a positive knowledge of what was contained in the package, I think she has a perfect right to swear to it."

"But the question is, 'Did she afterward learn.' Everybody here understands what that means," objected Bingham.

"By 'afterward,' I mean whether she learned it at that time, then and there," Aiken explained in some confusion, frantic lest his line of questioning be ruled out.

"And from Mrs. Surratt?" sneered the Colonel.

"Mrs. Surratt did not know. I mean during the afternoon." He was floundering in his efforts to obtain the information without making it come out in hearsay evidence.

"I understand," Colonel Bingham went on sarcastically, "what 'during the afternoon' means. Mrs. Surratt was there before Mr. Lloyd came in, but I do not know how long. But she was probably there two or three hours and the Government has introduced no evidence at all of anything that was handed to the witness by Mrs. Surratt, there, then, or any time. In addition to that, if I am not greatly mistaken, the testimony of the witness on the record shows clearly that she paid no attention to what took place between Mrs. Surratt and her brother-in-law at the woodpile."

"Neither I did." Mrs. Offutt tried again to make herself heard.

"I know you did not, and the only important matter here is what Mrs. Surratt handed to John Lloyd. It neither contradicts him nor explains it, nor throws any light upon the transaction between Lloyd and Mrs. Surratt to introduce here at random what took place between this lady and Mrs. Surratt. We have introduced no evidence about that."

Mr. Aiken was instantly on his feet.

"Suppose it should turn out that the package did contain the field glass and that it was handed to the witness on the stand, Mrs. Of-

futt. Would you object to that being proved?" His tone said plainly what he thought of tactics meant to convict, not prove.

"Yes, I do object to its being proved, altogether, because it involves an immaterial inquiry that I do not intend to repeat in the presence of this witness, and the gentleman, by his own statement, shows that he is quite indefinite as to the time of the transaction. It may have happened before Lloyd was there. Is anybody here who has reached man's estate going to say that what took place between the witness and the prisoner when Lloyd was not there at all, is to be introduced to affect him? No just man will entertain such a proposition, much less act upon it. Let the counsel confine himself to the point."

"This testimony is not introduced here, may it please the Court, for the purpose of affecting Mr. Lloyd, but for the purpose of screening a defenseless woman."

"It does not screen her in any way," screamed Bingham, whose choler was reaching an advanced stage, "because it is not competent for her to prove a transaction between herself and this witness in the absence of Lloyd, for that is not brought against her. No one has asked this witness what took place between them there. There is no evidence on this subject and the prisoner cannot make her conduct with this lady evidence for any purpose."

"I take it and the Court will agree with me, that it is competent to prove anything and everything that will tend to explain the situation of Mrs. Surratt and to place her innocence in its true light before the Court."

"I now understand the gentleman to say that anything concerning Mrs. Surratt from the beginning of her life to this hour may be introduced here."

"If it is necessary to prove her innocence, yes."

"There's no law, reason, nor sense in it. She can't introduce any such thing here."

Now Clappitt intervened and addressed the Court. "May it please the Court, we wish to prove just this: Mr. Lloyd, under oath, swore that he received a package from Mrs. Surratt. We wish to show that a package was received of Mrs. Surratt by Mrs. Offutt. We wish to show in this connection that it was the same package that Mr.

Lloyd swore to. We wish to show conclusively by asking the question at which hour the package was handed to her—to which I believe the learned Judge Advocate objects—that it was the same package. If the objection of the Judge Advocate is sustained by the Court, it strips us of all power to protect a woman standing in the position in which she now does. We feel it is our duty to lay before the Court in every particular, every instance whereby we may show that she is guiltless. If we can show that this was the identical package that Mr. Lloyd swore to receiving, we can show that his testimony is not worth the snap of a finger. It is for that purpose that we introduce it.”

Bingham returned to the attack. “This is undoubtedly a happy family. The declaration has scarcely died upon the lips of the gentleman’s associate that they did not introduce it for any such purpose. The only difference is, this gentleman understands it one way, and his associate, another. The point is, and I stand upon it, that no witness brought into this Court may be impeached or attempted to be impeached, by the sole act of the accused, done in his absence, with another person. That is the very thing they are attempting to do. If they couple this witness with the transaction in the yard, let her do so, but she excluded herself long ago from that transaction. She had nothing to do with the transaction in the yard.”

General Hunter, whose somnolence had completely disappeared, suggested a compromise.

“If the counsel will put the question in another shape and inquire whether the witness has any knowledge of the contents of the package, perhaps that would obviate the difficulty.”

“I will modify the question,” Clampitt said. “Have you any knowledge, Mrs. Offutt, of the contents of the package?”

“I have not,” answered the witness, breathless at having caused such excitement.

“Now, I repeat the question: at what time in the afternoon was the package handed to you?” Mr. Clampitt asked.

“The Commission have decided that that question shall not be answered,” interrupted General Hunter.

John Clampitt caught his breath. “Do I understand that the

question I have asked is overruled by the Court?" he asked incredulously.

"Yes, sir!" snapped General Hunter. John Clampitt subsided into his chair, frankly appalled. Judge Holt then went on with his opinion.

"If there was any testimony showing or tending to show that this was the same package spoken of by the witness it would certainly be competent to show when it was delivered, but in as much as she says she had no knowledge of its contents or any thing about it, it seems to have no connection with the transaction."

Frederick Aiken returned to the examination, while his partner recovered his composure.

"How long was it after Mrs. Surratt went away in the buggy before Mr. Lloyd came into the house?"

"I do not know exactly what time it was but it was not very long before I saw him in the house again afterward."

"Were you standing anywhere at the time Mr. Lloyd came into the house, so that you could see him when he did come in?"

"Yes, sir."

"Did you see Mr. Lloyd when he was standing in the yard?"

"Yes, sir, I did."

"Did Mr. Lloyd have a package in his hands while he was standing in the yard?"

"I didn't see him have any."

"Did you see Mr. Lloyd come into the house with a package in his hands?"

"I didn't see him come in the front door. I saw him on the piazza."

"Was this after he had come into the house?"

"Yes, sir."

"Did he have something in his hands then?"

"Yes, sir, but I didn't see him with anything in his hands before he came into the house."

"Before you saw Mr. Lloyd with this package in his hands—after he had come into the house—did he go into the parlor?"

"I don't know whether he went into the parlor or not. I saw him on the piazza."

"Did you see Mrs. Surratt most of the time, or all of the time, after she handed you the package?"

"Yes, sir, pretty much all of the time."

"Did you see her with the package again in her hands after she handed it to you?"

"No, sir, I did not."

"Do you recollect whether the package was laid on the sofa, on the table, or where it was laid in the parlor?"

"There was a package that looked like the one she gave me lying on the sofa."

"If I understand you correctly, after Mr. Lloyd came into the house, you saw him for the first time with a package in his hands?"

"Yes, sir."

"And you did not see it in his hands as he was coming into the house?"

"No, sir, I didn't see it in his hands then."

"Have you been intimate with Mrs. Surratt for the past several months?"

"Since last January I have met her several times."

"Have you ever heard from her lips a word concerning a plan or plot or conspiracy to assassinate anyone?"

"I never did."

"Have you ever heard any disloyal sentiments from her?"

"No, sir, I never have."

"Did you learn from Mrs. Surratt on the fourteenth that she would not have come down that day if it had not been for the letter?"

"Yes, sir, I did." But Colonel Bingham was shouting again, "You need not state anything she said to you."

"She is not stating what Mrs. Surratt said to her, she is stating what she knows!"

Aiken no longer attempted to conciliate the Judge Advocate. Mrs. Offutt spoke up firmly, "She told me what brought her down," and the usual contention arose over that remark. After a fruitless, angry scene, Aiken went on.

"Did you, or did you not, see any business transacted there that afternoon?"

"Yes, sir, I did. She was there on business." Mrs. Offutt got in her final word.

The Assistant Judge Advocate now began to cross-examine this peculiar witness who was not sure whether she was testifying for the prosecution or the defense. Judge Bingham faced her with severity in his tone as he spoke.

"You testified before, that you saw Mrs. Surratt go out to the woodpile and meet Mr. Lloyd when he drove up to the back door with his wagon and threw off fish and oysters on the evening of April 14, last."

"Yes, sir, I saw her."

"Do you now say that she did not go out and meet him there?"

"She was about to go out of the back door when Mr. Lloyd drove up."

"She went out as you stated before?"

"Yes, sir."

"You stated before that they had a conversation no part of which you heard?"

"Yes, sir."

"You do not know what became of the package Mrs. Surratt handed you?"

"I did not when I first came here. I did not state anything about the package at all."

"Now you do not know what became of it that afternoon at all?"

"I do not know what became of the package after it was handed to me."

"You laid it down there?"

"Yes, sir."

"It was some time after that that Lloyd came up?"

"It was a few minutes after that that I saw him."

"Was Mrs. Surratt in that room?"

"I don't think Mrs. Surratt was in the room."

"She was in the house?"

"Yes, sir, she had been in the house."

"Did you not testify now that you were out in the kitchen with Mrs. Surratt?"

"Yes, sir."

"Did you not testify that Mrs. Surratt was in the main house?"

"Certainly, she was in the main house."

"It was in the main house that you laid the package down?"

"Yes, sir, in the parlor of the main house."

"You do not know whether Mrs. Surratt took it up again or not?"

"I do not know whether she took it up again or not after I received it."

"You do not pretend to swear here in the Court that Mrs. Surratt did *not* hand Lloyd a package in the yard, but only that you did not *see* her doing anything of the sort?"

"No, sir, of course, I didn't see her, and I wouldn't swear to anything I didn't see."

"I say, you don't know whether she did or not?"

"No, sir, I don't know because I didn't see her do it."

"You stated a little while ago that when Lloyd came into the house, 'when he came again into the house,' was your language, you saw him with a package in his hand. Do you recollect saying that?"

"I don't recollect saying 'again,' because I saw him frequently that evening in the house."

"I only asked whether you did, in point of fact, say that when Lloyd came again into the house that evening he had a package in his hand."

"After I left Mrs. Surratt I saw Lloyd come in with a package in his hand. I saw him in the house."

"All I wanted to know of you when you use the expression 'again' is whether he had been in the house before."

"No. I know he didn't meet Mrs. Surratt in the house. That was in the yard."

"And you do not think that he was in the house until he unloaded that wagon?"

"No, sir, he was not."

"I only wanted to know whether you wanted to leave that impression with the Court. You do not think he was there before you saw him go into the house with that package in his hand?"

"No, sir, I don't think he was."

"I object to the Judge Advocate placing words in the mouth of the witness that she never used." Aiken finally registered the objec-

tion he had been vainly trying to get in while the fast and furious barrage of words was pounding Mrs. Offutt into frightened uncertainty.

"I am not!" Colonel Bingham turned on him in fury. "I am not! I am conducting as fair a cross-examination as was ever conducted in any court!"

"But she has sworn distinctly that Mr. Lloyd *did* come into the house!"

"Well, what of it? Make your argument about that. I say she swears it, too. The only question is whether she meant to leave the impression with the Court that he was in the house once before she saw him with that package. She swears now that she does not know he was, and does not want to be understood as swearing that he was. That is exactly what I want to know."

Clampitt, to the rescue, now addressed Mrs. Offutt softly and suavely, trying to give her time to collect her scattered wits.

"Did you or did you not just now swear that you saw Mrs. Surratt approach the buggy where Mr. Lloyd was?"

But Bingham charged back again like an angry terrier whose prey is being nosed away from him.

"I object to anything of the sort. They have called Lloyd two or three times and this lady the second time, and if they have not made out their case, it is their own fault. I suppose, myself, that nothing will come of it except the waste of time and the attempt to do injustice to a witness. All I have to say about it is that witnesses have some rights that those who call them into Court are bound to protect."

"Certainly," agreed Mr. Clampitt, "and I propose to do just that."

"Yes, I know you do!" Colonel Bingham was now beyond the point of even spurious courtesy.

"We propose to protect our own witnesses," amplified Aiken.

"Nobody has attacked your witnesses!" Bingham pointed out furiously. He was familiar with the weaknesses of some of the prosecution witnesses, but had not expected such inexperienced counsel to detect their shortcomings so infallibly.

"We know that." Aiken's knowing smile intimated that no defense witness had been assailable.

"There is no necessity for quarreling about it," Clampitt pacified the Judge Advocate. "We are willing that the statements of the witness shall go on record exactly as she made them, and in no other way and in no other shape. That is what we insist upon and what we shall insist upon."

"As regards everything agreeable to you, you are willing, but you have no right to this question."

"We are not only willing but we have the power."

"We shall see whether you have the power. I object to this question. They have asked the question before, and I say they have not the right to trample all law, all justice, and all sense under their feet."

"We have no wish to trample, as the Judge Advocate says, all law, justice, and sense under our feet. We wish the witness to say just what she means without the Judge Advocate putting words into her mouth, making her say something she did not state," declared Clampitt firmly. "And I wish to show, may it please the Court, that a moment ago, previous to the cross-examination by the Judge Advocate, the witness swore that she saw Mr. Lloyd pass into the house, and that she did not see a package in his hand as he entered the house, and only saw it after he had entered the house. The inference to my mind, which of course I do not wish to go upon the record, is that he picked the package up off the center table or wherever it was."

The Court sustained the objections of the Judge Advocate, as usual, and Clampitt resumed his seat once more.

Aiken reframed his question. "Do you wish the Court to understand that you did not see the package in Mr. Lloyd's hand when he came in from the yard?"

General Wallace lifted his eyes from his sketching. "The witness has answered that question once," he observed wearily.

"Yes, sir," agreed Bingham promptly, "and the counsel has no right to tell the Court what he understands."

"I think it is time that these side remarks be stopped and that a fair and open vote should be had on the question." Aiken could do nothing more. The Judge Advocate suggested that the witness be turned over to the Court for interrogation.

General Hunter addressed Mrs. Offutt. The record of the questioning was read aloud.

"You recollect your former answer to the question, do you not?"

"Yes, sir."

"Is that what you meant to be understood? The answer just read to the question?"

"I should like to make my statement without being asked any questions." Mrs. Offutt was bewildered by the all the anger, the shouting, and the noise. The questions and objections hurled, one after another, had confused her until she could follow none of it.

"When Mrs. Surratt came in that day," she began nervously after permission had been granted her to clarify her statement in her own way, "an' when I saw Mrs. Surratt and Mr. Lloyd at the buggy, I was in an' out all the time, but she had handed this package to me before Mr. Lloyd came into the house, and I asked her then what the package contained. . . ."

"You need not state anything she said," warned Colonel Bingham.

"After that I saw the package lying in the parlor on the sofa, and shortly afterward Mr. Lloyd came in. I didn't see him come in the parlor but I did see him on the piazza. I think from that he must have gone into the parlor. He had the package in his hand then, but I didn't see Mrs. Surratt give him any package at all. She mentioned to me about this package before I saw Mr. Lloyd."

Mrs. Offutt glanced nervously about, squirming under the stern look of the Judge Advocate. She added feebly, wiping her eyes, "I don't wish to impeach Mr. Lloyd as a witness here."

"You do not pretend that Mrs. Surratt might not have handed that package to Mr. Lloyd in the yard?" General Holt contributed.

"I don't know anything about that."

"You say you do not know it? You did not see it?"

"I don't know. I didn't see it."

"Could not the package have been handed to you and subsequently taken by Mrs. Surratt and handed to Lloyd?"

"I don't know. I only know what I myself did. I don't know what passed between her and Lloyd. I didn't see it."

Unnerved and weeping, Mrs. Offutt was assisted from the witness stand and escorted from the room. To Anna, the rest of the session passed in a mumble of unintelligible gibberish. She sat with her back against the rail that separated her from her mother. She forced herself to endure the hours. She waited only until the Court would adjourn. Then she would see her mother. Then she would talk to her.

The hours dragged interminably before she was escorted by Captain Rath into the witness room and told to sit there until he brought her mother to her. One by one the witnesses departed. Gradually the buzz of voices and the clatter of feet in the hallways died away. Slowly the clank of chains on the accused men faded into distance. The door opened. Mary Eugenia entered.

Anna crossed the distance between them in a moment. Mary Eugenia raised her veil. One glance at her mother's swollen, insect-bitten, discolored face, her once bright, smooth hair matted and short, rooted Anna to the spot. In that single second Anna became a woman. Never again would childish fancies, childish hopes, or impetuosities sway her.

She fell into her mother's arms in such a torrent of weeping that she could not, even with her new-found understanding, check its passage. She drew her mother's aching head against her shoulder and caressed her face and forehead. She crooned to her as once her mother had murmured to her in days long past.

Before their grief, the hardihood of Christian Rath gave way. The Secretary in granting permission for this meeting had instructed the Provost Marshal to stay close at hand to hear their conversation for relay to the Secretary's office. But tears stood in the Provost Marshal's eyes and he hurried away lest they shame him before his prisoner. Whatever Stanton might say, Captain Rath could not remain.

By leaving, the Captain missed a piece of news that would have interested the Secretary greatly. For days John Clampitt had been trying to tell Mary Eugenia, but dared not in the presence of her guard. Anna knew, and now she could tell her mother. Little Johnny was safe.

He had gone to Elmira, New York, after leaving Montreal, had

seen the news of the assassination in the newspaper, knew that he was suspected and that a reward was offered for his apprehension. He had gone at once to the house of a friend named Porterfield, who was connected with the Ontario Bank in Montreal. When they heard that detectives were there searching for him, John had been taken forty miles into the interior of Canada, to the village of St. Liboire, where Father Boucher, on receiving his oath of innocence, gave him sanctuary.

News of his mother's arrest had not reached him in that isolated spot until after her trial had begun, for the few papers he saw carried no news of arrests made. And when once he learned, he had started at once to her rescue but had been forcibly restrained by his friends. He would do his mother more harm than good, they calmed him, while they sent a messenger with funds for her defense and an account of what he had known of the kidnap plot to capture. He assured her counsel that Mary Eugenia had known nothing of it, and had asked what could be done to help.

The message had arrived only a short time before. Frederick Aiken had answered at once:

"Be under no apprehension as to any serious consequence. Remain perfectly quiet as any action on your part would only tend to make matters worse. If you can be of any service to us we will let you know, but keep quiet."

The news raised one great worry from Mary Eugenia's heart. Her son was safe; he had provided Anna with money, he was helping her defense. Now she was no longer alone. Anna was with her and Johnny was aiding her. In a few days she would be free. Uncle Zad had assured Anna that her mother's release was only a matter of days, now. The matter had been arranged with those high up, he said. He couldn't tell her the whole story just yet, but there was no doubt about it. And once home, Mama would soon be well again. Then Johnny would come back and Isaac would come home again. . . .

Smiles replaced Anna's tears and hope returned to Mary Eugenia. There would be some way to bring her mother some small comforts, Anna thought. At least she could bring her fresh cloth-

ing, soap and a comb. Courage, Mary Eugenia said, courage and faith. They were not forsaken, after all. The innocent were never forsaken by their God.

Two hours later, Captain Rath entered the room, hesitantly asked Anna if she did not think that she should go home now. It was nearly dark. He had provided an army ambulance and would himself accompany Anna as she might not safely pass through the lines of soldiers if they should learn who she was.

In the officer's presence Mary Eugenia again withdrew into reticent civility. As Rath left the room with Anna, the guard entered to convey Mary Eugenia back to her cell. Anna assured her mother that she would be back at the prison early the next morning for she had received permission to stay with her during the hours Court was not in session.

As Anna's voice retreated down the gloomy hall, Mary Eugenia strove to arise from her chair. Her thoughts formed a never-ending circle. Johnny is safe; Anna is here; Johnny is safe; Anna is here; the worst is over; Johnny is safe; Anna is here. . . .

The soldier spoke again, "Time to go—" But she could not move. He took her roughly by the arm and her screams pierced the air. Soldiers scurried in. She wavered back and forward in her chair until she sank helpless across the table beside her. Dr. Porter came running. General Hartranft hurried in. She was carried to her room on a stretcher, unconscious and half dead.

General Hartranft discussed the Surratt women with Captain Rath when the Captain had delivered Anna safely to her door.

"Not much alike, are they?" asked the Captain. "Th' young lady blows up fer any leetle thing, but th' mother, now, hard an' brazen as anything I effer see. Hard as a rock no matter whut happens."

"You think so?" asked the General. "You think so?"

IX. *The Ends of Justice*

"Old Capitol,
June 11, 1865.

Dear Colonel Burnett:

I would beg leave to ask if you cannot help me in procuring my salary for the month of April which is still due me. I am here without means and this small sum would be of considerable assistance to me. By obtaining a note to that effect from the Secretary of War, the difficulty would be obviated and a friend obliged.

Louis J. Weichmann."

Lou Weichman was unhappy. He had been released when testimony was complete and during the arguments of counsel he was free to move about the city under parole. While Anna visited her mother daily, bringing her such small comforts as were permitted, Lou wandered about the city at loose ends. His position in the Commissary of Prisons' Department was no longer open to him, since activities there were now greatly curtailed, or so they said. He could not go home for he had not been actually dismissed by the trial authorities.

All his friends had been friends of the Surratts. Many were Southern sympathizers, as he had said he himself was. Now he was friendless. Acquaintances of other days, if they did not stop to berate him, passed him on the street without speaking, and turned their faces away. Some of them crossed to the other side to avoid him. He had been hissed at by persons unknown to him. He had been scornfully eyed even by Northern sympathizers. He had been openly derided by the reporters who had taken down his testimony. One

of them had misspelled his name, and Lou had ingratiatingly spelled it the same way whenever he signed his name after that, but even that friendly overture had been received with a cynical smile. His one attempt to talk to Father Wiget had been met with such piercing inquiries and such stern admonitions that he had escaped as soon as possible from that scathing presence. He made no further attempt to regain the friendship of the priests he had known for years.

He met Louis Carland, a former costumer at Ford's, on the street one day and renewed an acquaintance begun in the Old Capitol early in May. At Carland's grudging recognition, Lou walked along the street with him until they met John P. Brophy, who had been a professor at Gonzaga College when both Isaac and John had been pupils there and was now a clerk in the Supreme Court. In his great relief at finding someone who would at least listen to him, Lou poured out his woes.

The trial testimony was now closed, he explained, and he was much troubled in his conscience about certain parts of his attestation. He was going to St. Aloysius Church for confession; his mind was so burdened he had no peace. Carland eyed him carefully, and commented that if that were the case, it sounded to him as if Lou should make, not a confession, but an affidavit before a magistrate.

"But they'd indict me for perjury," Lou groaned. "I couldn't do that. They'd be sure to indict me."

"Who would?"

"The parties that have charge of the Military Commission; they'd indict me at once."

"How could they? Wasn't what you told the truth?" both men demanded.

"Part of it was true, only part of it," Lou explained hastily. "If they'd have left me alone, if they'd let me make my statement by myself, it would have been very different with Mrs. Surratt."

"Different with Mrs. Surratt? How different with her?"

"Most of what I said was true, but there was more. I could have told more. There were points I could have made if they'd let me alone." Lou's voice quavered. They'd said he had made the state-

ment in his sleep. They'd added things that were not in his own statement. They'd said he must either sign or hang.

Carland and Brophy had been tolerant of him before. Now they deluged Lou with questions. Good Friday afternoon he had come home with a half holiday, Lou said, and Mrs. Surratt had said she needed to go to Surrattsville, but she didn't know where to get a buggy and he had suggested that she ask for Mr. Booth's.

"But do you think what I've said has mattered one way or another? Has it had any effect?"

"Effect? Effect? The effect is that you have helped to hang an innocent woman!" Before Brophy's tone and look, Lou cowered. "You, yourself, do not believe her guilty of murder, do you?" And Lou, terrified again, weakly admitted that he did not.

They extracted from Lou his part in the trial. He had known of the kidnap plot. In February he had told a clerk in the War Department who had in turn repeated it to the Secretary of War. The Secretary had given Lou his choice of turning State's evidence or hanging with the accused. Lou had told the Secretary all he knew and, although he had said that he did not believe Mrs. Surratt guilty or involved, the Secretary appeared to believe that she was.

"I didn't want to hang," Lou concluded unhappily. They suggested he go at once to the Secretary and undo the damage he had caused. He shuddered at the thought and said that Mr. Stanton hated all Southern women and all Catholics. Stanton had said that not enough Southern women had been hanged during the war, and while, of course. Mrs. Surratt was in no danger of anything like that, still nothing Lou could say would help her. John Brophy's offer to accompany him, seconded by Carland, made no difference. And at John Brophy's insistence that only an affidavit could prove his sincere penitence, Lou turned away. At St. Aloysius, Lou went into the church alone, while his companions sat on the steps outside.

Within a few minutes Lou rejoined them and the three men went on to Dubant's Saloon where Lou sought what relief he could find in drink. After a few consolatory rounds, he was able to recite Hamlet's soliloquy with great effect upon his listeners.

John Brophy, however, did not stay to listen. Across the town he sought out John Holohan, whose contempt for Lou had been spread

far and wide across the city, together with the story that only his hand on Lou's neck had forced him to the police on that morning of April 15. With Holohan, Brophy went to John Clampitt, and their statement was reduced to writing. Surely the three Johns working together could do something for Mary Eugenia.

But one thing they had already done. They had driven Lou to distraction with fear. If ever again he saw Little Johnny or Isaac, there would be more trouble than he could manage, Lou was sure. He was equally sure that as soon as Lafayette Baker's underground carried the story of the three Johns to the ears of the Secretary, Stanton's wrath would be awful. They might hang him yet, for he was only out on parole. He knew now that his chances of ever entering Bishop Magill's house in Richmond had completely evaporated. He was now a man without friends, country, or Church. There was only one place left—home, and he had better go home quickly before the story could get to the Secretary. He wrote hastily:

"June 16

Colonel Burnett:

It is at the earnest solicitation of my parents that I am again compelled to address you. It is their wish and mine, too, that you permit my parole to be extended to Philadelphia . . . I am here without friends and means. I am anxious to visit my parents who have never deceived me and my sisters who love their poor, unfortunate brother almost as much.

The world, as it were, turns a cold shoulder upon me and I long to revisit that home where I can find one sympathetic heart—my mother's. Colonel, if you can assist me, I would beg of you to see and settle my affairs for me and permit me to go where I know I will be safe. My father's address is 1532 Callowhill Street, Philadelphia.

From, Colonel, Very Respectfully,
Your obedient servant,

Louis J. Weichman."

Unfortunately for Lou, his letter reached the Colonel simultaneously with the report of the Carland-Brophy-Holohan-Clampitt alliance. The Colonel vented his wrath upon Lou within the hour

and informed him that he would see hell before home. Once more Lou reduced his sentiments to writing, in the hope of reversing the order of places.

"June 16.

Statement to Colonel Burnett:

I have said that I had an interview with Secretary Stanton and that I made a plain statement of fact to him such as appears in my evidence. I have never said that he threatened me. You, yourself, know whether he did or not. What I have done would have been the same whether I had been compelled by Gleason or not. I considered it my duty. I saw Gleason on the morning of the fifteenth of April at 9:30. I was then on my way to the lower portion of Maryland.

If a man or woman be base enough to engage in a conspiracy of this kind, and there is reasonable proof for suspicion, I have at least honesty enough to tell the Government about it.

I never intended to run away from the draft. I joined an Exemption Club and paid in a hundred dollars. I have never acted dishonorably and would not have done so in this instance."

In the face of such a statement from Lou, it was with little hope of success that the Brophy-Carland affidavit was presented to the Court by John Clampitt, with a request that the defense be allowed to introduce John Brophy as a witness. The Judge Advocate at once ruled that such testimony would be hearsay and inadmissible. Moreover, the defense had closed its case and would be allowed to introduce nothing further at all, at so late a day. Eleven days later, the Judge Advocate ruled that the prosecution might introduce an anonymous advertisement dated a year before, from an Alabama paper, offering the services of a trained killer for one million dollars in cash to assassinate the heads of the Yankee government. Months later, it was proved that the writer had been a man of unsound mind who had never seen nor heard of any of the accused.

Enraged at the Judge Advocate's refusal to admit his testimony, John Brophy went at once to the White House. He was told there

that the President refused to see or listen to anyone concerning the trial. To the *National Intelligencer*, Brophy went on a second futile expedition, this time with an article for publication. "Too strong," said the editor, who dared not risk the Contempt of Court order. Still undefeated, Brophy went to Father Walter. The priest listened. He would help the three Johns all he could.

Meanwhile the Court was listening half-heartedly to the arguments of the opposing counsel. The presentation of testimony had ended on June 16, and from that day on the Commission listened seven hours each day to heated and vitriolic oratory, unsurpassed in the course of the century.

The summing-up for the defense had begun mildly enough with Judge Johnson's arguments on the lack of jurisdiction of the Military Commission.

His statements might have been unanswerable from a purely logical point of view, had the members been inclined to listen to them. But they paid infuriatingly scant attention to the Senator. General Hunter dozed and General Wallace continued his interminable sketching. The Judge Advocates worked on the details of answers they would give later, and the speeches they would make. General Harris admitted later that they gave it little consideration because *they had been previously instructed as to their duties*.

"Military tribunals can try none but military offenses," argued Judge Johnson, "and even those only when the persons committing them are members of the military forces." Civilians cannot be subject to military law in time of war any more than in time of peace and even if the power to institute such a commission was a war time power, it belonged not to the President, who had appointed this one, but only to the Congress, and the Congress had not authorized any military tribunals. Furthermore, a commission, like the one convened here, had never, until the Rebellion, been organized in a loyal state or territory where the courts were open and unobstructed; they were not to be found sanctioned or remotely recognized or even alluded to by any writer on military law in England or in the United States, or in the legislation of either country. . . .

Traitorous conspiracy, as named in the Specifications, was treason,

he continued, and treason, under the provisions of the Constitution, must be tried in the civil courts. The District of Columbia was loyal territory, had never been occupied as enemy country, had never been under martial law. The commission was therefore not only illegal but unconstitutional.

General Ewing's summation which followed was marked by its audacity, and intentionally so, since he was the only one of the defense counsel politically influential enough to say just what he thought of his military associates. "Under the Constitution none but courts ordained and established by the Congress can exercise judicial power, and these courts must be composed of judges who hold their office under good behavior," stated the General, and added succinctly, 'Congress has not ordained nor established you a court; you are not judges holding offices under good behavior. You are, therefore, no court, and you have no jurisdiction in this case unless you obtain it from some source which overrules this Constitutional provision.'

The Commission was nettled by these arguments, fumed with irritation, but dismissed the contention as of no importance. During the summer days the heat of the room grew intense and tempers became shorter. In the afternoons their voices dulled to a monotonous hum in the heat-laden air of the small room. Heavy, hot dinners washed down with hot coffee and followed by rich puddings and pies for dessert tired the stomachs and stultified the brains of the Commission, and they slumped into half-reclining positions and struggled against sleep except when roused into fighting mood over some argument introduced by the defense. Now and then as the angry voices of contending counsel waked them suddenly from slumber, they flared into hot, instinctive anger and unreasoning argument.

On June 27, Colonel Bingham began his final address to the Court and extended it over two days. He argued that the "Rebellion, itself, was a criminal conspiracy and a gigantic assassination . . . and now that their battalions of treason are broken and flying before the victorious legions of the Republic, the chief traitors of this great crime against your government secretly conspired with their hired

confederates to achieve by assassination what they had attempted in vain by battle."

Skilled in the vituperative oratory of the era Colonel Bingham lashed with his words the whole Confederacy from Mr. Davis down to the prisoners at the bar, who, he assured the Court, were the hired assassins of the Southern government. Jefferson Davis, *in absentia*, bore his fiercest onslaught, but he addressed himself directly to the counsel for the defense, recalling by inference that some of them had been Southern sympathizers, and as such were included in his far-reaching condemnation.

"Youngest born of all the nations," the Colonel interrupted himself once to orate with expansive gestures, "is she not immortal by all the dread memories of the past—by that sublime and voluntary sacrifice of the present, in which the bravest and noblest of her sons have laid down their lives that she might live, giving their serene brows to the dust of the grave and lifting their hands for the last time amid the consuming fires of battle. . . .

"It is in evidence here that Davis, Thompson, and others agreed and conspired to poison the waters which supply your commercial metropolis and thereby to murder its inhabitants; to secretly deposit in the habitations of the people and in the ships of your harbor, inflammable materials and thereby destroy them by fire; to murder by the slow and consuming pangs of famine your soldiers captive in their hands; to import pestilence in infected clothing to be distributed in your capitol and camps and thereby murder the surviving heroes and defenders of the Republic. . . .

"It is almost imposing upon the patience of the Court to consume time in demonstrating the fact which none conversant with the testimony in this case can for a moment doubt, that John H. Surratt and Mary E. Surratt were as surely in a conspiracy to murder the President as was John Wilkes Booth, himself."

Colonel Bingham closed his argument. He left the "decision of this dread issue with the Court."

On June 28, Court was cleared for the last time. Spectators, reporters, counsel for the defense all left the room. The prisoners clanked mournfully back to their cells, staggering along with their

guards who carried for the last time the iron weights that impeded their step. Some of them knew even then that when they next passed through that hall, they would walk the last long walk to the gallows. But how many would be in that procession no one yet could tell. The Commission, meeting behind closed doors, would decide the degree of guilt and the punishment to be meted out to each defendant. Punishment there would be, for the accused had all been pronounced guilty since the day of their arrest. Now—only the detail of allotment of punishment remained.

Mary Eugenia tottered back to her cell. Anna was to be permitted to spend each day with her and take care of her, for she was far too weak and ill to care for herself. But in a few days she would be free. All the counsel for the defense agreed on that. The worst thing that could happen would be a light prison sentence and the President would, of course, set that aside. In the face of the weak and biased testimony given against her, it was doubtful if she would be sentenced at all. There were only a few days more to endure the physical discomforts of the Arsenal, and then Anna and she would go home together. It was almost over now.

It would soon be over, agreed the Commission, as they discussed the sentences. Judge Advocate Holt and his assistants who had done such an able piece of prosecuting would now sit with the Commission as Judges and help decide on the individual punishments.

Death, of course, for Payne, Herold, and Atzerodt. On that they quickly agreed. Tenacious and persistent General Ewing had snatched Dr. Mudd and Ed Spangler out of their hands and saved his clients for life imprisonment. Arnold, too, could not be hanged. Judge Holt began to fear the Secretary would not be pleased with too much leniency.

In his comfortable office in the War Department, Mr. Stanton followed the proceedings. While the Commission perspired and debated, the Secretary's cool eye let nothing escape him. By day he pored over the mass of testimony in the Court reports and by night he conferred with the Judge Advocates and directed their activities for the next day.

The delay of the Commission to agree on death for Mrs. Surratt caused him concern. The sessions of June 28 and 29 had been spent

in debate and balloting, and on the night of Thursday the twenty-ninth, five members of the Commission still refused to pass the death sentence. Generals Wallace, Harris, Howe, and Clendening had voted her guilty on the first ballot. Generals Hunter, Foster, Kautz, and Ekin, with Colonel Tompkins, disagreed. Guilty of entertaining Payne, Booth, and Atzerodt, Mrs. Surratt surely was, they admitted, but that was no crime unless she knew their plans. Guilty of conspiracy to murder? There was no evidence of that.

Judge Holt, having yielded unwillingly in the cases of Spangler, Mudd, Arnold, and O'Laughlin, insisted that an example must be made of the Southern woman who had aided and abetted the traitors. He called to mind the women who had carried messages, who had hidden soldiers and dispatch carriers, who had smilingly lied in the faces of Northern searching parties. Southern women had been bold, impertinent, brazen in their allegiance to their Rebel flag. The women spies in Old Capitol, explained Judge Holt, had given the Administration more trouble than a hundred times that many men. They were ingenious in capitalizing on the strength of their situation and had done as they pleased until the Secretary, informed of the unprecedented happenings in the prison, had walked the floor in a fury, venting his rage on everyone near him, unable to expend it on the women who stayed so carefully within the letter of their imprisonment but strayed so far from its spirit that no man could follow.

These things the Judge Advocate repeated with sage discrimination and his words called to mind the irrepressible Mrs. Greenhow, whose information, shrewdly inveigled from the very door of the White House, had caused the disaster of the first battle of Bull Run. Southern women must be taught their places, and no better way to begin than in the person of Mrs. Surratt, who typified, said he, the bold, impudent women of the South who spat in the face of the loyal army.

The arguments of the recalcitrant generals irritated the Secretary of War when they were repeated to him. It was unthinkable that at this late hour his plans should go astray. It was Ewing's fault, he roared, for speaking up against the prosecution. But even the Sec-

retary dared not proceed too far against the brother-in-law of the new hero, Sherman, second only to Grant in popularity. Ewing would say anything if he got mad enough, and if Sherman chose, he could be unpleasant too. It was Ewing who had got the Commission out of hand. Foster, Kautz, Thompkins, Ekin, and even General Hunter had listened to him. Spangler had held a horse for Booth; Mudd had dressed his injured leg; Arnold had conspired to capture even if he had later retired from the enterprise. And all these generals would give these men was life imprisonment. Three deaths were enough, they said. The war was over. Enough blood had been shed. Payne, Herold, and Atzerodt were enough. They wouldn't find Mrs. Surratt guilty. If life imprisonment at hard labor was enough for the men, it was too much for Mrs. Surratt, who had done less than they. She had been guilty of nothing except carrying a package of whose contents she was ignorant. Even the delivery of the package had been sworn to only by a drunken lout. Moreover, the delivery itself was denied by a sober member of the drunkard's family. There was no question in the mind of the generals that Mrs. Surratt had not recognized Payne when he was arrested. Other witnesses whose vision was perfect had not recognized him in disguise. And even if she had recognized him, that proved nothing.

They argued without weakening. They were not to be commanded, and nothing the Judge Advocate could say could move them. It was time for the Secretary, himself, to take a hand, for his power and prestige hung on their votes. He had proclaimed to the world within twenty-four hours of the murder that Stanton had solved the murder, that in the files of the War Department lay irrefutable proof that the assassination had been the well-planned work of this same group whom the generals now refused to sentence to death. If his own department did not stand by him, thought the Secretary, how could he be expected to control the country at the polls? How could the principles of reconstruction under the Radicals, headed, he hoped, by Stanton, be maintained and enforced?

Unanimity before the country must be maintained before anything else, and unanimity entailed death for all the conspirators as the Secretary had promised. The public had received his inclusion

of Mr. Davis in the conspiracy so skeptically that on the advice of his own legal department, he had not dared to bring the Confederate President into Washington for trial, though his name still headed the list of the accused. To find guilty only three out of the eight who had been tried would indicate a rift among the Radicals, would proclaim his loss of power and prestige. Any suggestion of weakness must be avoided at all costs. Some way must be found to keep impregnable the Secretary's control of the political reins.

The Surratts disturbed him. The other accused were no great problem. No one would protest the hanging of Payne, for not even his own family had come forward to acknowledge him. By his own confession he was guilty of attempted murder. Secretary Seward's protest that since he was still living, his would-be murderer should not be executed, had been disregarded. Atzerodt was a helpless creature for whom no one would raise his voice. Herold had only seven desperate sisters. To allow Spangler, Mudd, Arnold, and O'Laughlin to escape death had been a mistake. Mudd was the only one of them who might have had influence enough to make trouble . . . to whom Booth might have talked as to an equal. But Mudd had not seen Booth since December. They had not been able to shake that testimony. But the Surratts . . . they lived right in Washington and Booth had been in their home often. Booth had plotted with the son, who was a Rebel spy and dispatch carrier and who had not been captured. And perhaps Booth had talked with the mother. Booth loved to strut around the women; could he have refrained from boasting before the mother?

Booth loved the sound of his own voice. In the Surratt house it was more than likely he had talked with fervor and freedom. Booth had told Herold that thirty-five men high up in Washington were helping him. If he had told Herold, would he not tell the Surratts? If he told, might he not have named those thirty-five assistants? Did Mrs. Surratt know who they were? There was a chance.

If Mrs. Surratt were let off with a light sentence or even with life imprisonment she might find a way to tell what she knew. There was always a chance that the son might not be captured and hushed, and that in some way his friends in Richmond might give many stories publicity.

But if Mrs. Surratt, under sentence of death, owed her life to the kindness of someone—say, President Johnson—then there might be a way to handle the situation. Mrs. Surratt could have her sentence commuted by the President; the commutation could be granted on her promise never to discuss the case, never to mention anything she had ever heard. If her life were at stake, she would, of course, be discreet. She would then never repeat anything she might have heard of Booth's plans. The son, too, could be managed. John Surratt would not talk if his mother's life as well as his own were the forfeit. Mrs. Surratt must be so greatly indebted to someone that she could not talk, and that person must be the President. The Commission had power to free her—that was why they were holding out—but if the Court freed her, she was indebted to no one, and indebted she must be. Obligations, observed the Secretary, were invaluable to one who knew how to use them.

There was, of course, his own obligation to Billy Wood over at Old Capital. He had authorized Wood to promise immunity to Mrs. Surratt, if her brother would help catch Booth, and the brother had done it. It was better to keep promises made to Billy Wood, but this might be an exceptional circumstance. Wood could be made to understand that promises made under such circumstances were subject to change. Wood could be made to see that greater things were at stake than just keeping a promise to a country politician. Jenkins would be of no service again, for Prince George's was now of no importance. After the Rebel sympathizers had been disfranchised, there wouldn't be a thimbleful of votes left in the entire county. Besides, if the matter were left up to the President, Johnson could take that responsibility, too. Wood couldn't blame the Secretary if the President didn't fall in line.

Johnson had denied knowing Booth, yet there were plenty of people to swear that he had known him well in the old Tennessee days. There were even some who said that Johnson and Booth had had two sisters as mistresses before the Tennessee governor had moved to Washington.

Yes, the best thing to do was to obtain a sentence of death for Mrs. Surratt and then leave it up to the President to seal her lips one way or another. Such a plan would safeguard both Johnson and

himself. There was the chance, of course, that Johnson would not favor the suggestion that he show mercy to Mrs. Surratt. If the proper insinuations were made at the proper time and place, the President might see danger in any talk at all about his acquaintance with Booth. And if he did, he might not think it wise to commute the sentence. And if he saw no danger, he might recall that voters might comment on his favor to the woman convicted of removing his predecessor from office. Johnson might refuse to intervene. In that case the woman would be disposed of permanently. At any rate the President could shoulder the responsibility if anything went wrong.

By the time Judge Advocate Holt was admitted to his presence on the evening of Thursday, June 29, Stanton had arrived at his decision. He listened to the report of the day's contention over Mrs. Surratt's sentence and, after a brief discussion, presented the terms of his compromise.

Let the Commission, for the sake of presenting a unanimous appearance before a critical world, find Mrs. Surratt guilty along with the others. Let her be sentenced to death in order that the Commission might not be accused of weakening in their duty simply because the person they tried was a woman. Rather, let the Commission be known as Spartan citizens who would, if necessary, sacrifice even their own flesh and blood for the good of the state, who would place their own wishes, in every instance, behind the public interest.

After pronouncing Mrs. Surratt guilty and sentencing her to death, they could, if they wished, address a request to the President, recommending that he commute the death sentence to life imprisonment. Such a move, said the Secretary, would serve the double purpose of preserving the unanimity of the Court before the nation and world, and yet allow the woman executive clemency. In the excitement of the sentencing and the execution, the public mind could be gently led away from the fact that the Commission had had the power to save Mrs. Surratt without involving the President.

Judge Holt felt the plan to be good. On Friday morning, his Assistant Judge Advocate, Colonel Bingham, presented the plan to the

Commission. The first ballot showed the four-five vote still unchanged.

"Both mother and son are equally guilty with Booth," the Colonel argued. "To show tenderness to the mother because of her age and sex is to encourage women in the future to take the part of murderers, and to rebel against constituted authority. Sentence the woman to death and then the son will come forward and be apprehended. He will come forward and offer his life for hers if she is not guilty. But only terror will bring him out. Then, when the son is safely in the hands of the authorities, and the President knows it is the wish of the majority, he will commute her sentence to life imprisonment or he will pardon her, and all will be well."

How well the Secretary had planned his argument time has shown. Safely locked in his file lay the diary Wilkes Booth had kept during those long two weeks when he lay hidden in swamps, consumed with fever, hunted by ten thousand soldiers, twenty-five hundred police, and a thousand detectives. In that diary he had written:

"Friday, the Ides, 13-14. Until today no thought was ever had of sacrificing to our country's wrongs. For six months we had worked to capture . . . I have almost a mind to return to Washington and clear my name, which I feel I can do. . . ."

Before this diary or even its existence was made known to the public two years later, eighteen of its closely written pages had been cut from its binding, never again to appear.

Another ballot was taken. Stanton, aided by the heat, by the fatigue of the past two months, and the desire of the Commission to be released from their Arsenal duties, succeeded in his plan. Before noon the five recalcitrants had consented to vote Mary Eugenia guilty provided they might recommend her to the mercy of the President. She was sentenced to be hanged by the neck until dead.

Colonel Bingham, wiping his sweating hands upon his handkerchief, resumed his seat and wrote the petition, addressing it to no one in particular.

"The undersigned members of the Commission detailed to try Mary E. Surratt and others for conspiracy and the murder of Abraham Lincoln, late President of the United States, etc. . . . respectfully pray that the President in consideration of the age and sex of the said Mary E. Surratt, if he can upon the facts in the case find it consistent with his sense of duty to the country, commute the sentence of death which the Court have been constrained to place upon her, to imprisonment for life. Respectfully submitted,"

General Ekin copied the petition upon a half-sheet of paper, keeping Colonel Bingham's draft as a souvenir of the occasion, and then passed the new copy about for signatures. Generals Hunter, Kautz, Foster, Ekin and Colonel Tompkins signed it. They had not wavered in their opinion; they had merely obliged the Secretary.

It was then noon on Friday, June 30. A record of the case up to that moment had been prepared to be sent to the President, who must review all cases carrying a death sentence. The statement of each of the verdicts and sentences was added, signed by the presiding officer, General David Hunter, and countersigned by the official recorder, Ben Pitman. The half-sheet recommendation was attached to the end of the record and held in place by the yellow tape-ribbon that bound the voluminous sheets together. The Judge Advocate gathered it up for he must present it to President Johnson. The Commission's work was now completed. After fifty-three days it could adjourn at last. Its members might now go home, for nothing further remained to be done except for the President to read and confirm the sentences and order the date for their execution.

For the first four days of July President Johnson was ill, too ill to receive the Judge Advocate General. On July 5, he sent word that he would be able to see him. Judge Holt, carrying in his hands a report of the findings of the Court, as well as the long sheets of manuscript entitled, "The Brief Formal Review of the Case," dated July 5, 1865, and addressed to the President, stepped over from the State, War and Navy Building to the White House. Avoiding the

front portico of the mansion, he was admitted through the family entrance and shown into the library. There, waiting for him, sat President Andrew Johnson, very pale. He was leaning back in his chair as if he were too weak to sit erect.

Seeing his condition, Judge Holt offered to read the necessary parts of the record to him. President Johnson listened gravely to the reading, watched the swarthy face with its smoldering black eyes and its thin, sharp-lipped mouth, as Judge Holt's clear, stern voice recited the findings and sentences, commented upon the full and exhaustive argument of Colonel Bingham and certified to the regularity and fairness of the proceedings.

"It is my duty to inform you, sir, that in my judgment the proceedings of the Court were regular in every way and its findings were justified by the evidence. It is my opinion that the sentences should be enforced."

The President agreed that Payne, Herold and Atzerodt should suffer death. When Mrs. Surratt's name was mentioned he hesitated. "The thought of hanging a woman is a painful one and one that the public abhors. . . ."

"Yet the fact that the criminal is a woman does not in law excuse or act in palliation of her crimes," the measured voice of Judge Holt assured him. "When a woman unsexes herself by entering the arena of crime, it merely aggravates the offense. The law was not made to punish men only, but everyone who violates its provisions."

The President listened, vaguely conscious that the long fingers of the Judge Advocate were turning the pages of the record he held tightly in his hands.

The sheets of the record were written in long hand from top to bottom and then on the reverse side, from bottom to the top to make for greater ease in reading their many pages. As Judge Holt read on, the top sheets were turned back under the final ones, so that they completely hid from the President an inconspicuous half-sheet resting under the top of the last blank page. This half-sheet would remain invisible unless the President took the record into his own trembling hands and thumbed through it page by page, turning over the last blank sheet as though searching for some

hidden word. He would not see the recommendation for mercy unless it were called to his attention. . . .

General Hunter's signature followed the statement of the findings and sentences. Under it the Judge Advocate wrote in his own hand;

"Executive Mansion,
July 5, 1865.

The foregoing sentences in the cases of David E. Herold, G. A. Atzerodt, Lewis Payne, Michael O'Laughlin, Edward Spangler, Samuel Arnold, Mary E. Surratt and Samuel A. Mudd are hereby approved and it is ordered that the sentences of David E. Herold, G. A. Atzerodt, Lewis Payne and Mary E. Surratt be carried into execution by the proper military authority under the direction of the Secretary of War, on the seventh day of July, 1865, between the hours of ten o'clock A.M. and two o'clock P.M. of that day."

Judge Holt presented the paper for the President's signature and Andrew Johnson set his name to it. Rolling up the papers, and bidding the President a respectful adieu, Judge Holt hastened away through the family entrance, thus avoiding the reporters congregated about the front door.

Mary Eugenia's life had been in Johnson's hands, and care had been taken that the President should not know it.

No news of the sentences would be given out officially until the order of execution was actually served, and the newspapers would be unable to print the information until late the next day. There would be, then, less than eighteen hours before the execution took place.

X. *But for the Grace of God*

FOR ELEVEN DAYS, while the prosecution and defense summed up the case, Mary Eugenia sat reeling with weakness, breathless from the heat, speechless at the venom with which she was attacked in the arguments of Colonel Bingham and the slightly less scathing condemnation of Colonel Burnett. Humiliation had long since left her. Now the accusations of the prosecutors rolled off her consciousness and faded out of her ears. She had heard too much, she had suffered too much for the tumult of words now flowing about her to penetrate her mind. She lost all knowledge of time. She knew only that she sat through endless periods lost to all the world about her.

On June 27, when the trial was over, when she realized that she need no longer go into the courtroom to be assaulted by the bitter, harsh, unending voices, she sank into a depression from which only Anna could rouse her. From that date, the prisoners who had confessed might see certain members of their families. There would be a day or two before announcement would be made of the President's confirmation of the sentences, Mr. Clampitt explained, because the President was ill again, and the papers had said he was not yet well enough to receive the Judge Advocate General and his report of the trial. In only a day or two more there would be good news for her.

The Arsenal filled rapidly with people. Curiosity seekers walked through its corridors and peered through the barred doors into the dark cells where the prisoners sat, the men with hands and feet still bound, still with the weights on their ankles but freed from the torture of the hoods. Beside each man still stood his guard. No one might hear any word uncensored by the War Department.

Now that they could talk, the men had told what they knew, or had made written statements. Atzerodt had declared that he had refused to kill, that he had gotten a little drunker than usual on the night of the assassination and had stayed clean across the town from the Vice-President's hotel. He had never heard Mrs. Surratt say a word that would suggest she knew in any way of their plot to capture Mr. Lincoln.

To his counsel, William E. Doster, Payne regretted that he had returned to the Surratt house. He had gone there, he said, only because he had no money and he was starving. There was no other place nearer than Baltimore where he could ask for food, and he had no money to go to Baltimore even if the trip had been safe.

Herold told again that thirty-five men high up in Washington were helping Mr. Booth. Who they were, he did not say. Strange that voluble Davie, whose tongue clattered incessantly, did not mention who they were. Strange that the Secretary did not find some means to extract from Davie the names of the members of so hideous a plot. Or did he extract this information? Did some astute clerk in the War Department carefully neglect to record who had conversed with Booth, who it was that had changed his purpose from capture to death, who it was that could profit from death who could not profit from capture and abduction?

Of the eight prisoners, only Mary Eugenia had not talked. No one was allowed to talk to her but Anna and the War Department emissaries. She had nothing to say, she mumbled as though half-drugged, because there was nothing more she knew to say. Release from the attendance at Court exhausted her ability to concern herself with her surroundings. By night she lay, never moving, and by day only occasionally could she rouse herself to talk faintly to Anna and to listen to her plans for the future.

Mary Eugenia had waited so long that a few days more did not matter, she whispered when Anna fretted at the delay in permission to leave the prison. The girl agreed that another day or two could be endured, but she could scarcely wait until her mother should be in her own bed, comfortable, and attended by her own household, visited by her friends who were aching to see her. Her mother would then look and feel like herself once more.

To divert her and hold her attention, Anna manufactured all sorts of homely questions on which she needed advice. The town house would need a thorough going-over after its occupancy by the soldiers, she said. There was not a closet, not a dresser drawer, not an inch of space in any chest or box that had not been searched and left in disorder. The lamps were broken, the furniture scratched and marred, the rugs caked with mud from heavy boots and torn by spurs. She was restoring order gradually but she needed her mother's help about many things. She would be glad when they might go home and have to worry about nothing more than the daily problems of a disrupted household. The Government had paid the gas bill up to the tenth of June, she reported. That was just about the least it could do after turning them out of their own house.

John Lloyd should not stay one moment at the tavern after Anna could get there to order him out, they agreed. When Johnny came home he could make some arrangement with the Calverts about the farm. Johnny and Isaac, between them, could manage the tavern and the store as well as the farm. There were many plans to make, much to look forward to. The past had held too much horror and fear for the present discomfort to be insurmountable, since it was so soon to be over. Uncle Zad had managed things for them. There was no doubt at all that they would be going home in just a few days more.

Only one thing they did not discuss. What would they do if Uncle Zad had been mistaken and Mama must stay in prison for a while? Life imprisonment? The thought was ridiculous, insane. Even if a short sentence was given, the President would commute that. There was a faint possibility that it might take a little longer than they thought, but not long. What was most likely was that in another morning or two, the key would clash in the lock for the last time, and the orderly would say: "You may go home now, Mrs. Surratt."

Thursday and Friday, the twenty-ninth and thirtieth, had not seemed long. There had been so much to say, so much to look forward to. Saturday and Sunday dragged. It seemed strange that no word had come by Monday. Tuesday they expected none, since everybody would be celebrating the Fourth of July. There was no

news on Wednesday afternoon, no indication to Mary Eugenia and Anna as they waited in the stifling cell that at that moment Judge Advocate Holt had finished his conference with the President, the sentences had been approved, the order for their execution signed.

There was strange, unwonted activity about the prison early on Thursday morning, July 6, a sense of tension, of excitement pervaded its walls. The soldier who brought Mary Eugenia's breakfast gazed at her with unaccustomed interest. She roused a little to look at him.

"I must imagine it," she thought. "I must be getting nervous and uneasy. If they had heard anything, they would have told me. Maybe Anna will have heard from Mr. Clappitt when she comes in."

The soldier knew but dared not mention the news. General Hartranft was to read the sentences to the accused persons at noon. He was determined that Mrs. Surratt should hear her doom before Anna was allowed to see her. The General found the future difficult enough to face without Miss Surratt on his hands.

It was nearly twelve when Mary Eugenia heard the steps in her corridor. She had been looking out of the window toward the water, wondering how it would seem once more to walk down a shaded pathway in the fresh air. How she would enjoy the humblest blade of grass, how she would thank God for a tree under which she might sit in freedom.

Swords rattled, spurs clanked, boots stamped with precision, papers rustled. She scarcely heard the key turn before the General and his aides marched in.

Faces bleak and gray held no promise. Her hands caught her throat. Speechless, she swayed on her feet. From a distance she heard a faint voice . . . "stand . . . while . . . the sentence is read. . . ." A soldier supported her by the elbow.

Agas later the voice was still droning against a deathly silence ". . . Mary E. Surratt . . . hanged by the neck . . . until she be dead."

Still there was no word. No sound. Dr. Porter stepped forward to catch her as she fell. Even as he laid her on the straw, footsteps retreated down the corridor.

Mary Eugenia would not go home.

It was a bright, clear day, with a faint occasional breeze to freshen the sultry air. Anna chattered gaily as the carriage reached the prison door. She was accompanied by Anna Ward, who, they hoped, might be allowed to see Mrs. Surratt. At any rate, Anna could not come alone to the prison. Captain Rath dutifully escorted her home at night, but could hardly be expected to call for her in the morning.

"It can only be jus' so much longer," Anna said as they drove in the yard, "but it does seem as if they could manage things a little faster than this." Miss Ward agreed. Everyone was convinced that no news was good news. It meant, certainly, that Mrs. Surratt would be free soon.

Instead of being shown at once into the corridor leading to her mother's cell upstairs, Anna was escorted to the office of the Adjutant, Captain Watts. Her eyes grew larger at this unexpected formality, and her face lost some of its color.

"I'm sorry, Miss Surratt, you'll not be permitted to see your mother just yet," the orderly stated unhappily.

"Why?"

"Orders of General Hartranft, ma'am. The General's just read the sentences. . . ."

"Sentences? What sentences?"

He answered not a word until Anna's long fingers cut into his wrist like a knife.

"What sentences?"

"Death."

Across the stillness of the great gloomy prison Anna's voice rose in a crescendo of terror . . . a shrill piercing shriek of agony that hurt the ears of listeners. It went on endlessly, without pause, no cry dying away before another filled the air.

And then Anna lay supine on a stretcher. Accompanied by a physician and a soldier, an ambulance clattered away, leaving the prison in shuddering stillness.

Miss Ward waited speechless in the office.

"Stay," Captain Watts had said. "Later you may go to Mrs. Surratt. It was better for her daughter not to."

Father Walter, sitting in his cool parlor in the rectory of St.

Patrick's with the daily paper, read that the verdicts were in the hands of the President, who would give them his personal attention and if he approved, would make them public. It was confidently expected, said the *Washington Star*, that all the male prisoners would be sentenced to death. It was possible that Mrs. Surratt, too, might receive a death sentence, although in the light of the inconclusive evidence against her, and the natural revulsion against hanging a woman, the Commission would probably accord her only a light prison term. She might even receive a pardon from the President.

Father Walter laid his paper down. The first thing in the morning he would go again to the Arsenal and ask permission to see Mrs. Surratt.

Early on July 6, his carriage drew up at the prison entrance. He was shown into the Adjutant's office, where an orderly regretted that a pass was not available at the moment, as Colonel Hardie was not at his desk. After a hurried conference with a superior, the orderly advised Father Walter that the matter would be brought to the Colonel's attention as soon as he returned. The pass would be delivered to Father Walter's house. With that promise, the priest was forced to be content.

Later in the morning, when Colonel Hardie returned from his trip through the prison where he had heard the sentences read to the accused persons, he was told of the priest's request. He would sign one at once, the Colonel said and the orderly congratulated himself for having guessed the Colonel would want the priest treated with the greatest respect.

The blistering noon sun was at its height as the orderly alighted from his horse in front of the rectory. Father Walter was at dinner, but came himself to the anteroom to express his thanks for the pass so promptly provided. As he opened the envelope Father Walter conversed with the soldier who welcomed the cool shade of the wide front hall as he waited to be dismissed.

"I have read all the trial testimony," said the priest conversationally, as he turned over the pass to see if he were required to sign a receipt for it. "Mrs. Surratt will, of course, be acquitted, for there is not evidence enough to hang a cat."

The soldier opened his lips in surprise that the priest had not yet heard the news, but closed them again. This was one affair he'd better stay out of.

"Besides," Father Walter continued, "no one could make me think that a Catholic woman would go to Communion on Holy Thursday and then commit a murder on Good Friday."

After his hasty glance at the enclosure, Father Walter thanked the boy for his efforts and returned to his meal. This day's dinner was the last the good Father was destined to eat in peace for days to come. Shortly after noon he was again informed that visitors with news of great importance awaited him. In the hall he found Mr. John F. Callan, editor of the *National Intelligencer*, listening to John Holohan, who paced up and down, execrating the Yankees and all connected with them.

"It's Mrs. Surratt, Father! Mrs. Surratt! She's to hang tomorrow noon! She's innocent, Father, she's innocent as yourself!" Both men spoke at once, "It's tomorrow!" John Holohan broke into bitter profanity, which Father Walter permitted to go unrebuked while he listened again to the story of Lou and his betrayal.

"He knows she's not guilty, Father, he knows it as well as he knows he's a dirty liar. Himself have I heard talking to Howell, the runner, an' pumpin' him for word to go South. Lou had the Confederate cipher to write to him in. He stole copies of papers out uv his own office t' send South. Him tellin' ivery one that would lissen how many pris'ners there was and where they was kept, an' always sayin' how he'd try to go South, how he wished the South would win so he could get down t' Richmond into Bishop Magill's house.

"'Say what we want or ye'll hang,' says the Secretary, accordin' t' Lou, himself, an' him not wantin' to hang, he says it. An' Lloyd strung up by th' thumbs, says, 'She tole me to,' an' they cut him down. Both o' them now, talkin' soft, and Lou tellin' Mr. Brophy the Secretary himself says he'll hang if he don't say more, an' sending back the statement Lou wrote. 'Make it stronger,' says the Secretary, 'make it stronger 'less you be wantin' t' hang with 'em.'"

"Wait, now, John Holohan," Father Walter counseled, when he

could get a word in. "Maybe you're wrong about this. There's been nothing published yet. Perhaps this is only a false report. We can't be sure this is true. It's not like the government to act so hastily in matters of this sort. Perhaps this is just a rumor."

"No, Father, savin' your riverence. We've only come from the house and Miss Anna just brought back from the prison. They'd read the death sentence to her mother, an' they wouldn't let the child in."

"I'll go. I'll go at once. I'll see what we can do. Where is this Weichman? I'll talk to him myself. In the Bishop's House, such as he? I'll see—"

"Not Lou. He took pains t' git himself away. The Secretary let him go t' Philadelphia, he was that afraid to stay here in the town."

The doorbell rang violently. Father Walter turned to open it. Colonel Hardie entered hastily and with only a look at the men standing there asked Father Walter if he might have a word with him in private.

"Certainly, sir. Come into the parlor with me, if you please."

The priest showed the officer the way and turned to the men, who had stiffened in resentment at the sight of the blue uniform and the officer who wore it.

"If you gentlemen will be seated here for a moment and will excuse me . . ." He was through the door as he spoke. John Callan sat down, but John Holohan still paced the floor, choking with futile wrath.

Declining a seat, Colonel Hardie came to the point of his mission at once.

"Father Walter, the remark you made to the young soldier who brought you the pass made a great impression upon him. I am afraid that after this has happened the pass I signed will be of no service to you. I have brought you another one, signed by the Secretary himself." As he spoke he took from his pocket an official-looking envelope but made no move to offer it to the priest.

"This is most kind of you—" began Father Walter. He extended his hand.

"Before I can give it to you, sir, I want you to promise me that you will say nothing about the innocence of Mrs. Surratt."

Father Walter stood as though he had not understood what the officer said. He flushed suddenly as the significance of the officer's words dawned upon him. "You mean you wish me to promise that I will say nothing in regard to the innocence of Mrs. Surratt?" Colonel Hardie, visibly ill at ease, indicated that this was his meaning.

"Do you know the relation existing between a priest and his flock?"

The Colonel made a deprecatory gesture but did not answer.

"I'll make no such promise. . . ." The past days had been too full of passion and hatred for the priest to be wholly unaffected. "I'll promise you nothing! I'll defend the character of the poorest member of my flock at the risk of my life. . . ."

"Then, I fear, sir—"

Angered beyond control at this amazing end to an amazing morning, Father Walter cut in, "Fear, do you? Fear? Thank God I do not know what fear is. I fear neither man nor devil, but God alone. Fear? And you wish to seal my lips? I will not—not—"

"Then you'll not be permitted—"

"You wish me to seal my lips. I wish you to understand that I was born a free man and I will die one, subject to no power on earth, only God's. And I know where all this comes from. This villainy—it comes from your Secretary of War, whom a Congressman at my breakfast table only two weeks ago called a brute . . ."

Hardie's voice was almost beyond control as he replaced the pass in his pocket. "As you please, sir, but you will not be allowed to see the condemned woman."

"Ah, yes. The condemned woman. She is to be made the victim again—to die without the Sacraments as she is to die without justice from the world." He paused, thought for a moment, then added, "As a priest I cannot allow Mrs. Surratt to die without the Sacraments. If I must say yes to your requirements, I will say yes." The scorn in his voice penetrated through the walls into the hallway where the two men sat listening to the angry tones that floated out to them. The priest accepted the pass and acknowledged its receipt curtly.

Colonel Hardie stamped through the hall and banged the door behind him. Father Walter stopped only long enough to speak to

the waiting men. "You are right, my sons, there is something sinful behind this. We must do what we can. Go home to Anna. Tell her I am coming. I will go first to the prison, then I will come for her. We will see the President. We will do something."

He hustled them out of the hall, and called loudly for his servant to bring his carriage at once.

But Anna had waited for no one. As soon as she recovered consciousness she was once more on her way to the Arsenal accompanied by Mrs. Holohan.

She reached the prison gate as Father Walter's carriage pulled up to it. "Father," she screamed, "Father, help me, help me save her, help me save her."

"Yes, yes, my child . . . hush before these soldiers—yes, yes, we shall do what we can. I am here to help you."

He guided her through the crowds about the prison yard and through the entrance where visitors waited. Davie Herold's seven black-clad sisters wept hopelessly together, awaiting permission to visit his cell. Dr. Sidney Mudd stood at the door, his back turned proudly toward the soldier behind him, watching for the signal that would admit him to his brother.

In her room, Mary Eugenia lay apparently lifeless on the straw bed, but she nodded feebly in recognition when Father Walter spoke to her. She smiled wanly at Anna, who, at Father Walter's warning, checked her tears and knelt beside her mother.

"We are going to the President, Mama, don't worry, to the President. He will help us. Father Walter knows him." She patted Mary Eugenia's wasted hand and smiled bravely as her mother opened her eyes but said nothing.

The White House halls were crowded with excited Congressmen, officers, and reporters milling about. The news had just been released that the order for the execution had been signed. At the gate Anna and Father Walter were stopped by Thomas Florence, ex-Congressman from Pennsylvania.

"Father Walter." The representative removed his hat. "You are, I hope, on the same errand that I am bound. The President must not allow this. The woman must not be—er—er—" He realized

who Anna must be and strangled his words gallantly. "Mrs. Surratt must be saved," he amended in haste and moved quickly on.

Inside the house Father Walter was stopped once more by Preston King, of New York, and shown into the office occupied by President Johnson's secretary, General Mussey. Would the General, asked Father Walter, request the President to give Father Walter an audience? The President regretted, General Mussey announced later, that he would be unable to receive Father Walter that day.

Would the General then, asked Father Walter, assure the President that he would not be detained five minutes if he would graciously see him on a matter of extreme urgency? An interview was impossible, the answer came back.

In desperation the priest made one more effort. He would ask no pardon for Mrs. Surratt, no commutation of sentence—just the favor of a ten-day reprieve in order that the condemned woman might prepare herself for eternity.

Until this moment Anna had controlled her tears. Now she threw herself at General Mussey's feet. "Please, oh, please, for the love of God, help us. There's no one but the President who can save her—oh, for Heaven's mercy, help us—" Her gasping moved the General to tears. "I'll try," he whispered, "I'll try again."

He patted her hand and was gone. He was back in a moment. The President advised them to go to Judge Advocate General Holt, for he had entire authority to handle the case. The President would not interfere with whatever Judge Holt decided. Whatever Judge Holt said, would be honored by the President. Then they left the room, Anna nourishing a spark of hope, Father Walter doubting that any mercy could be expected of Joseph Holt.

The Judge Advocate received the petitioners coolly. Father Walter gathered that the incident of the orderly and Colonel Hardie had by this time reached the Judge's ear.

"There is nothing I can do," he said, "these matters are all in the hands of the President. Whatever he says will be final. Until I receive instructions from the President, there is nothing I can do."

The priest glared at him, his face white with fury, then he turned on his heel.

"Come, Anna, this is battledore and shuttlecock. The President

tells you to go to Holt and Holt tells you to go to the President." Taking the girl's arm, he strode out of the house, without a word, as though the Judge had canceled out the fact of his existence by his words. "I will take you back to your mother while I consider what is best to do next."

In their office in the *National Intelligencer* Building at 7th and D Streets, Clappitt and Aiken were going over the work that had accumulated on their desks in the weeks that every hour had been devoted to Mrs. Surratt. They had not left their office all day on July 6, expecting a messenger at any moment to inform them of the Commission's verdict.

About five in the afternoon they were startled to hear the shrill cry of a newsboy screaming "Extral!" Clappitt left his desk and looked over the window sill to the street below.

"Listen!" he snapped.

Frederick Aiken lifted his head for a breathless pause.

"Death fo' Miz S'rratt—death fo' Miz S'rratt!" yelled the boy.

The two lawyers gazed at each other speechless. *They* were only counsel for the defense—no need to notify *them* of the Court's decision. Paperboys would tell them soon enough. But the insult was forgotten in the shock of the moment. The verdict given, the sentence signed by the President, and they must wait to hear it from a paperboy.

In that moment their thoughts turned, as had the others', to only one person, the President. When Abraham Lincoln was living, anyone, friend or foe, who had a plea for life or death, could reach him at any hour. Perhaps the man who wore the garment of succession might be implored for mercy, in the memory of Lincoln's kindness to the suffering. If nothing else, the President might grant a three-day stay of sentence. In that time they might be able to save an innocent life.

At the door of the White House they were met by soldiers with bayonets drawn. With the news out, crowds were gathering in the grounds, clamoring for justice, demanding admittance. John Brophy's words had at last reached ears that would hear.

Regular White House guards had been reinforced with special de-

tails of soldiers, who stood across the steps leading to the second floor of the Mansion. At the door to the President's room, Preston King and Senator James Lane of Kansas, stood watch. Counsel for Mrs. Surratt got as far as the fixed bayonets of the guard but no farther. General Mussey told them of the unsuccessful visit of Anna and Father Walter a short time before and did what he could for Frederick Aiken. The President remained unshaken. He would see no one with regard to Mrs. Surratt.

The young lawyers were forced to retire before the impregnable wall of solitude that protected the President from public feeling. Only once was the wall scaled. Mrs. Stephen A. Douglas, widow of the loyal Senator from Illinois, whose entire career had been in opposition to the murdered President but whose loyalty was unquestioned and whose support of the Administration had been unwavering, had come in person to beg for mercy for the woman sentenced to so hasty and ignominious a death. Refused admittance as were all the others, she had swept with all the confidence of her famed beauty to the stairs, where the soldiers barred her way. She pushed the bayoneted guns aside with her bare hands and ascended the stairs, her hoops trembling like a bell, her silks rustling. Like her aunt, Dolly Madison, who had disdained the anger of the British in 1814, she dared now the wrath of the victorious Radicals.

With a courage as great as that of her famous relative, she forced herself into the apartments of the Johnson family and presented her plea for mercy directly to the President himself. He was adamant, he would not be moved and he indicated his disapproval of her intrusion in no uncertain terms. She retired as furious as her predecessors, and as powerless.

On the streets, the confusion was as great as on the night of the assassination. The city was roused again, but this time screaming for justice, not blind revenge. Groups gathered on all the streets and in the public buildings, some discussing the sentence in wildest excitement, others struck dumb with dismay. Something akin to consternation swept over those who had followed the conduct of the trial, and somber misgivings began to trouble the most loyal of citizens, misgivings about the future of American justice and the democratic system that guaranteed it. All night long, the White

House was besieged with groups clamoring for mercy for Mrs. Surratt. Two months before this same mob had demanded blood vengeance. Now, an almost unbroken line of mercy-seekers passed up to the door and was turned away.

In the midst of the turmoil, Clappitt and Aiken stood a moment under the trees in the White House yard and considered. Then they parted, Aiken to find Anna and accompany her to the Secretary of War's office, Clappitt to telegraph Judge Johnson in Baltimore to ask for instructions.

Aiken found Anna at the prison. General Hartranft had granted her permission to spend the night with her mother and had provided for her use the second-floor room where she had waited as a witness. Fathers Walter and Wiget, the latter also sworn to silence, were with them.

Anna and Frederick Aiken crossed town to the Secretary's house at 1325 K Street. By the Secretary's blanket order, they were refused admission. They drove to General Hancock's home and were received at once. There was nothing he could do, the General assured them sadly. Only the Judge Advocate, the Secretary of War, or the President had power to alter the sentence.

To Judge Holt's they went. In severe silence the Judge listened to their plea for a three day respite and finally agreed to discuss the matter with the President. Back to prison again. There, Anna, exhausted by the fruitless journeys of the day, sank down on the corner of her mother's straw bed and prepared to sit the night with her.

All hope was not yet gone, John Clappitt wearily told himself. Judge Johnson had telegraphed his reply.

"IT IS VERY LATE. THERE ARE NO TRAINS TO WASHINGTON CITY BEFORE MORNING. APPLY FOR A WRIT OF HABEAS CORPUS AND TAKE HER BODY FROM THE CUSTODY OF THE MILITARY AUTHORITIES. WE ARE NOW IN A STATE OF PEACE, NOT WAR."

Once Mrs. Surratt was in the hands of the civil authorities there was a chance for a new trial, John Clappitt knew. At any rate such a step would remove her from immediate danger and give her coun-

sel an opportunity to devise some plan to circumvent the corrupt influence that surrounded the Military Commission.

Back in his office he found Frederick Aiken waiting for him. At midnight they began to draw up a petition for a writ of habeas corpus. It was two o'clock the next morning before they were ready to find a judge to order the serving of the writ on General Hancock, military governor of the District in which Arsenal Prison stood.

To arouse a judge at that hour of morning, and expect his help, required all the courage the young men could muster. With trepidation they drove to 1205 Vermont Avenue, the home of Judge Wylie of the Supreme Court of the District, and rang the bell. From a second-story window the Judge called down, "Who is there?"

When they told him they came on judicial business concerning life and death, he appeared at the door clad only in a dressing gown, and admitted them to his parlor. He placed himself in his chair and sat immovable, with the light of the gas jet above his head flickering over him, as he listened intently to the petition they read to him.

At its conclusion he rose and gathered his robe about him. He took the papers in his hand, said "Please excuse me, gentlemen," and retired, alone, to the back parlor.

Their hopes fell. Probably he was only going to dress himself before he considered further. John Clappitt leaned back in his chair, his brain reeling from the events of the past few hours. It was not likely the Judge would interfere, he thought.

Judge Wylie's voice sounded in his ears. He sprang to his feet.

"Gentlemen, my mind is made up." The Judge's voice was serious, and he spoke slowly and with an air of restraint. "I have always endeavored to do my duty fearlessly, as I understood it. I am constrained to find the points in your petition well taken. I am about to perform an act that may, before tomorrow's sun goes down, land me in Old Capitol. But I believe it my duty as judge to issue this writ, and I shall so order it."

It was four o'clock before the clerk of the Court could make out the writ and place it in the hands of the United States Marshal for service upon General Hancock. The writ was returnable to Judge Wylie, sitting in the Supreme Court of the District, at 10 A.M., July

7. The time set for the execution was between the hours of ten and two. Mrs. Surratt might yet be saved.

Meanwhile, arrangements for her execution were being completed at the Arsenal under the direction of Captain Christian Rath. It would be a high, strong gallows, strong enough for three men and a woman. Thirty-foot posts would support a wide floor fifteen feet from the ground. Half the floor would be solid, reached by stairs coming up from the back. The front half of the floor would be supported underneath by posts that could be quickly knocked from under it. Four husky soldiers would be stationed beneath the platform, two at each end of the trap floor. After the ropes had been adjusted around the necks of the prisoners, when everybody but the condemned had stepped back to the solid floor, General Hartranft would signal and then each of the soldiers would strike one sharp blow. The supporting posts of the trap floor would give way, the bodies would catapult downward in an instant. The 31-ply $\frac{3}{4}$ -inch Boston hemp rope Rath had procured for the nooses was bound to hold. There would be no slip-up. As soon as the soldiers knocked away the floor posts, his job would be finished. It would be all over, all but the burials in the four fresh graves beside the brick wall on the south side of the building.

While the last planks were being nailed to the gallow's floor, while Mary Eugenia's lawyers were relying on the speedy efficacy of their writ of habeas corpus, another effort to save Mary Eugenia was going on within the Arsenal. Lewis Payne, stolid and unconcerned about his own fate, insisted again and again to his guards that Mrs. Surratt was innocent.

"Let me talk t' Captain Rath," he begged. "Let me talk t' Captain Rath, before I die."

At daylight, Christian Rath, sleepless and pacing his floor, was summoned to Payne's cell.

"Cap'n, if I had two lives, I'd give one of 'em to save Mrs. Surratt. I know she's innocent, an' she'd never die this-a-way if I hadn't bin caught at her house. She didn't know 'bout the conspir'cy—she's innocent."

"You sure about that, Payne?"

"Yes, sir, Cap'n, I'm sure. She's innocent as you are."

Payne repeated that Mrs. Surratt knew nothing of the plan. Not even the kidnap plot. He related the times Johnny had warned them against arousing her suspicion in any way.

Rath agreed finally. "All right, Payne, I'll see what I can do." He hastened away to find Major Eckart. General Hartranft was called, too, and after talking with Payne himself, sent a letter to the Secretary:

"U. S. Military Prison,
Washington, D. C., July 7, 1865.

Mr. Payne stated to me this morning that he was convinced that Mrs. Surratt was innocent of the murder of the President or any knowledge thereof, and as to the abduction he did not know that she was connected with it although he had frequent conversations with her during his stay at her house. I think that Payne would state the truth on this matter.

J. F. Hartranft
Brevet Major General
Com. Prison."

This ought to close the matter, he felt sure. Now the President would commute Mrs. Surratt's death sentence. But until definite word came, he would have to continue as though there were no possibility that his distasteful task might not be necessary.

In the White House, Andrew Johnson was conferring with his advisors. He had the authority to suspend the writ, but why not commute the sentence and avoid the unpleasantness, Gideon Welles suggested.

"Surely not, Mr. President," Stanton declared. "If the death penalty be commuted in so grave a case as the assassination of the head of a great nation on account of the sex of the assassin, it would amount to an invitation for assassins hereafter to employ women as their instruments under the belief that if arrested and condemned, they would be punished less severely than men. An act of executive clemency on such a plea would be disapproved by the government of every civilized nation upon the earth."

He made no mention of the recommendation for mercy he himself had suggested. The President picked up his pen and wrote:

"I, Andrew Johnson, President of the United States, do hereby declare that the Writ of Habeas Corpus has heretofore been suspended in such cases as this, and I do hereby especially suspend this Writ and direct that you proceed to execute the order heretofore given you upon the judgment of the Military Commission and you will give this order in return for the Writ.

Andrew Johnson,
July 7, 1865"

By seven o'clock in the morning of July 7th, the sun blazed with an intense heat that would have been unendurable but for an occasional light breeze. By eight, the streets leading to the Arsenal were jammed with the crowds. River boats plying between Washington and Alexandria were packed with pleasure-seekers, hoping to combine a breath of fresh air with a glimpse of the execution from the top decks, as the boats steamed slowly past the Arsenal.

Between nine and ten o'clock the prison anterooms were thronged with the officers of Hancock's corps who planned to watch from the shelter of the prison windows without exposing themselves to the blistering heat of the courtyard. Newspapermen had been there since dawn to pick up the slightest item of interest for their papers. None of them had been allowed to say a word to the accused. War Department orders had been strict about that. No unexpurgated news might leak out of the Arsenal even yet.

Eleven o'clock. The crowd had increased. Reporters scribbled industriously. In the courtyard the trap was being tested; it fell with a rumbling, terrifying sound and the crowd started back in horror. Two artists were busily sketching the gallows for the next edition of *Harper's Weekly*.

General Hancock stood outside the prison gates, knowing that the execution could not take place without him, waiting for the runner who would bring him the reprieve for Mrs. Surratt. The President, the General was sure, would not disregard the writ, the letter from Payne, the multiplying protests, and the undeniable fact that the evidence against the woman had been tenuous. Gen-

eral Hancock waited, confident that the word he wanted would be brought him by the cavalrymen he had stationed in relay between the White House and the Arsenal.

Eleven-thirty. The drop was tried again. It caught halfway this time, planes were brought, and the superfluous quarter-inch carefully removed.

Noon. The bustle increased and the courtyard was a bedlam. General Hartranft was beset by a hundred questioners, by a score of officers asking for instructions. General Hancock entered and an expectant silence fell over the yard. A few words passed between him and General Hartranft.

"Get everything ready, General," Hancock said. "I want everything in readiness as soon as possible."

Relatives of the condemned men were ushered out of the corridors in weeping crowds, the women half-carried by the men who accompanied them. Frederick Aiken approached General Hancock, and a low conversation followed. There was no need for the reporters to ask what had been said. The young man's drawn face told the story.

There was a new burst of activity around the scaffold, a few yards from the graves. They would be in plain view of the prisoners when they ascended the stairs to the trap floor. At the foot of the wall, close beside the scaffold, four graves had been dug, each one seven feet long, two feet wide, and a scant three and a half feet deep. Beside each grave waited a coarse pine box once used for packing guns.

Adjutant R. W. Watts had already prepared four slips of paper, each bearing the name of one of the condemned. He had placed each one in a bottle and each bottle in a pine box. No other marker would be allowed the dead.

Twelve-forty. Four armchairs were placed on the scaffold. Reporters and spectators were permitted within thirty feet of the gallows.

One-ten. General Hancock entered the yard, followed by a few reporters. Captain Rath stepped forward confidently.

"What about her, General? What about her?"

"Yes, she, too," the General said. "She could not be saved."

Toward the scaffold Rath led the executioners: William Coxhell, D. F. Shope, F. B. Haslett, G. F. Taylor, all of Company F Veteran Reserves.

It was almost time. No one spoke, no one moved, every eye was glued on the prison door.

They had given her wine of valerian to induce sleep, and when she lay in a stupor, they carried her to a cell on the first floor of the prison, where she would hear no sound of the hammers erecting a scaffold in the yard between the building and the river. Under the floor beneath her as she tossed and moaned in her sleep, resting as she would soon rest, lay the remains of John Wilkes Booth.

When she awoke she found Anna and Father Walter by her bed, and near them stood Father Wiget and Frederick Aiken. It was almost time. As the others looked on with silent tears, she was shrived for death and received from Father Walter's hands the holy wafer. Again a condition had been imposed on the priests before they were permitted to see her. They had been warned not to accompany her to the gallows, but it was a warning they would disregard.

The door to the cell opened for the last time. A group of blue-clad men entered.

"Annie," she murmured, "Annie, my baby, this is no place for you."

Wracked with sobs, Anna was helped from the cell by Frederick Aiken and up the stairs to the second-floor room she knew so well. There, from a window that looked out upon the gallows and the four graves that gaped in the dry, red clay, she would watch for the rider who must soon gallop up, flecked with the foam of his lathered horse, and thrust out his hand with the message that would pluck her mother back from death. He would come, he must. She waited.

Mary Eugenia sat motionless on the edge of her bed as the soldiers approached her hesitantly, respectfully now. She was acutely conscious of their presence in the room, she knew why they had come and knew it would be the last time they came.

"Father—" she whispered.

Father Wiget, who stood at the head of her bed, bent over her. "What is it, my daughter?" he asked solicitously.

"May I tell these people—now"—she looked at the soldiers—"that I am innocent?"

"The world and all therein has now receded from you. . . ." Father Wiget spoke with patient resignation, but there was nothing but defiance in Father Walter's voice as he broke in angrily,

"Yes, daughter, yes! Say what you wish. Say you are innocent if you wish, but it can do no good now." He looked coldly at Colonel McCall, who was to lead Mrs. Surratt to her death.

Mary Eugenia rose slowly and deliberately to her feet and walked without assistance through the open door of the cell and into the crowded corridor outside. She glanced about the hall for someone she knew. Her eye fell on John Holohan, who stood near the door with John Brophy. "John," she said, "John, take care of Anna."

Then the slow march began. Colonel McCall led the way, and then came Mary Eugenia, with the two priests at her side. Behind her walked her guard, Sergeant William R. Kenny. At the main door, Payne, Herold, Atzerodt, and their guards merged with the line.

Into the blinding glare of the July sun they went, three men and a lone woman. The black-robed priests intoned the service for the dying as they passed the four graves and reached the gallows on which four armchairs waited.

Mary Eugenia was seated, in the shade of Father Walter's umbrella. A military voice, hardly audible, read the sentences.

Colonel McCall carefully removed her bonnet and her veil and helped her to her feet. He fastened her hands behind her back, tightly, and as he saw her flinch, loosened the cord. Then he bound her skirts about her knees and placed the rope around her neck and covered her face with a long white hood. Four hoods covered alike the innocent and the guilty.

From a second-floor window of the prison, a daughter still waited for the sound of horse's hooves.

The guilty, their peace with God made, now made their peace with man through public confession. The innocent woman alone spoke no word. Her clergy, sworn to silence, stood mute.

The General waved his sword.

The trap was well-fashioned and the rope was strong. Death was instantaneous for Mary Eugenia Surratt.

The obscure Southern woman who in life had "never crossed the river except at Alexandria" in death wandered far and did much she could never have done in life.

Her image followed Lou Weichman to his home in Philadelphia, pursued him to the Customs House there, where a grateful Secretary of War obtained a position for him. She followed him to Anderson, Indiana, when the Democrats came to office and he lost his sinecure, when the memory of the dead woman and her two living sons made Lou carry a pistol by night and day and take pains never to sit between a window and a lighted lamp. She walked between him and his Church and listened as he confessed his sins to his brother, a priest, and died unshriven.

Her image watched on the plains of Kansas when James Lane, who barred the way to the President's study, took his own life, and watched on the waterfront of New York when Preston King, his companion, weighted his pockets with lead and dropped from a pier into the dark water. She hovered over John Lloyd as he screamed in terror on his deathbed and recanted the words he had spoken against her.

In Mexico, she heard Juarezista and Frenchman curse the name of an American President, heard them mutter, "Your *Presidente* is a murderer, a killer of women," until General Phil Sheridan swore that another insult would be avenged by force of arms. She followed Isaac Surratt as he trudged the many miles home from San Antonio, carrying the few dollars his company could muster with the advice:

"Go home and kill Andy Johnson . . . kill 'em all."

She clouded the life of Andrew Johnson. With him, as with his predecessor, Stanton disagreed and was as unable to bend him to his will as Abraham Lincoln. Over her son, Johnny Surratt, and whether he should be brought to trial when he was returned to the United States, the climax of their disagreement came. Stanton

wished the dead past to remain buried, but Johnny, too, was tried for his life in 1867. She heard Joseph H. Bradley, Johnny's lawyer, say for all to hear: "I rather think the mother is being tried again today," and then heard a civil court, with a jury of free men, refuse to convict her son and exonerate her of the charge of murder two years after her execution.

And she heard a slip of the lip at this trial, an incautious reference to a recommendation for mercy that had not been seen. There had been whispers of its existence but no confirmation. Now the free press of the nation demanded that the truth be told. She heard Andrew Johnson deny that he had seen it and she heard him summon his Secretary of War to bring the official records of her trial. The half-sheet of paper was found and the Secretary blamed Judge Holt and Judge Holt blamed the Secretary and together they blamed the President, who had seen the recommendation, they said, and refused his clemency.

She watched as Andrew Johnson demanded Stanton's resignation and heard Stanton refuse. He was discharged from office and barricaded himself inside the War Department building, trembling and sobbing as he waited for the troops to remove him bodily to make room for his successor, General Grant. And the world laughed at the man who once ruled the United States with an iron hand and no justice.

She witnessed Stanton's last frantic effort to keep his power, as he gathered the remnants of his once all-powerful Radical party and attempted to impeach the President, but failed by one vote. Her memory lived with Stanton for the rest of his life, until he whispered to his friend, William Wood: "The Surratt woman haunts me." The next day Stanton was dead, and the world whispered it had been by his own hand.

Her spirit lived in the halls of the Supreme Court of the United States and she must have smiled when the Court ruled the trial of civilians by military commissions unconstitutional. She must have smiled when a later Secretary of War ordered the Army Regulations altered, so that all accused might testify for themselves before a military court.

She saw Old Capitol razed to the ground and saw erected on the same foundation the new building of the Supreme Court. And above the great doorway looking toward the Capitol, where she had once seen the statue of Freedom, she could have read the words:

Equal Justice Under Law.



(Continued from front flap)

many years. A devout Catholic, convicted mainly by the testimony of her son's best friend (an obvious liar) to save his own skin, it is hard to believe that she could have been involved in such a hellish plot. Indeed, if we are to believe the facts presented in this book, we can only be convinced that she went to the gallows an innocent woman, numbed and bewildered, unbelieving that justice could go so far astray.

This is the record of the trial and the record of her life, but it is also much more than that — it is a swiftly moving story, building up to the inevitable climax, paced to the tempo of tense mystery.

This is the first book to deal with Mrs. Surratt's life, in spite of her prominence in the period and the trial that shook the world, North and South together, in the bitter pre-reconstruction period after the Civil War.

If you believe this, and this story is hard to doubt, an innocent woman went to the gallows, the victim of an American military dictatorship.

Price Subject To Change

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IN
U.S.A.



THIS PLACQUE, WHICH NOW HANGS IN THE MARYLAND ROOM OF THE CONFEDERATE MUSEUM, RICHMOND, VIRGINIA, WAS ERECTED BY THOSE WHO BELIEVED IN MRS. SURRATT'S INNOCENCE.

A Message from Helen Jones Campbell

From the earliest days of Jamestown and Plymouth, through every peril from Indian massacre down to Hitler, American women have stood beside their men in defense of home and liberty.

When the peril was past, women in '31 and again in '65 put aside all selfish luxury to help to build a safer, saner world than the one behind them.

The liberty we have today is the gift of the past. Today we women must much because we have received much from the past.

Every one of us, whether we serve in uniform abroad or in the comfort and security of our homes, can do our part.

We can deny ourselves useless luxuries; we can save food. We can contribute our blood. We can do these things. We can do more. We can buy bonds.

Let us buy bonds and more bonds. They are our expression of gratitude for the past. They are our pledge for the future.

Helen Jones Campbell

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